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ABSTRACT

Indiana state and local government structure and the governance process are outlined in this comprehensive survey which is used in government courses throughout Indiana. Legislative power is granted to the General Assembly whose powers, duties, compensation, terms of office, and qualifications are explicated. The legislative process and financing of state government is also outlined. The executive branch consists of a governor and the executive agencies which operate under him. In addition to the governor, there are seven top-level, elected administrative officials in the state government structure whose offices and duties are discussed. The functions of the state judiciary are described. Local government in Indiana functions through a pattern of interlocking and often overlapping governmental units, districts, and jurisdictions. The structure, functions, and financing of local government units are outlined in detail, including county government, township government, and city and town government. Appendices include: (1) historical highlights of Indiana; (2) Hoosiers in government; (3) facts about Indiana; (4) Hoosiers at work; (5) Indiana's official state poem and song; (6) the origins of the counties; (7) "The A-B-C of Politics" by Pressly Sikes; and (8) the Constitution of Indiana. (SM)

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1987-88

Indiana Chamber
of Commerce

S Since the first edition of *Here Is Your Indiana Government* appeared in 1944, this book has been a prime source of facts concerning government at all levels within Indiana. It is revised every two years to keep it up to date. No other publication both provides current data and gives Hoosiers such a thorough understanding of our living, changing "government by the people."

Hundreds of alterations have been made in this new edition to keep up with the legislative and administrative actions, court decisions and other events of the past two years. If this were not done biennially, it would soon be so far out of date as to lose its value as a reference book and as an educational text.

Suggestions and criticisms are welcomed from readers and users of this book, including teachers and students. Such assistance helps us remedy omissions, correct errors and find new ways to improve its contents.

We extend thanks and appreciation to all those who have contributed information or otherwise helped our publication in any way.

Carl Henn Jr., *Editor*
Jeanne Wiles, *Assistant Editor*

Cover photograph: Tom Hanafee

**HERE IS YOUR
INDIANA GOVERNMENT**

HERE IS YOUR INDIANA GOVERNMENT

Twenty-third Edition

August, 1987

This book is but one of many publications issued by the Indiana Chamber of Commerce. It is an important element in the Indiana Chamber's program to encourage citizens to know about and take part in public affairs.

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FOREWORD

Government is a public building, a book of laws, a tax return and a myriad of other tangible things. But more than all of these, government is the people because to them is reserved the right to alter and reform their government.

WHAT IS GOVERNMENT?

By JOHN W. WALLS

□ What is your Indiana government? Is it the domed State House at Indianapolis, the county Court House with a clock in its tower, the City Hall on Main Street, the National Guard Armory, the public school?

Of course, government is more than a public building, and it is more than a book of laws or a tax return. It is more than the myriad of tangible things which would come to mind should you and I sit down and attempt to list how government affects us directly.

Government in Indiana is you and me and some 5.5 million other Hoosiers. All of us receive governmental services in some form, and most of us share from our earnings to help pay the costs of government. Even more than that, government is you and me because, as our State Constitution puts it, "all power is inherent in the people" and "the people have, at all times, an indefeasible right to alter and reform their government."

How We Govern Ourselves

The book you are holding represents a current report on how the people of Indiana govern themselves. As you read *Here Is Your Indiana Government*, you will see that its story deals mainly with the mechanics of government, or the means through which we govern ourselves here in Indiana.

This description is not limited to state government. It also tells about local government — government at the levels of the counties, the cities and towns, and the townships. The whole range of government is important because we need and receive such a variety of services. We look to the state, for example, to provide for better highways, but to local school boards to see that the necessary classrooms and teachers are available to educate the young in every community.

If government is in the hands of the people, we as the people must understand and take part in directing the workings of our government. Otherwise, our government may not truly reflect the will of the people. Additionally, as the people attempt to make their will known it helps them to be informed persons who are not swayed merely by the emotions of the moment.

Young People Face Citizenship

Young people are continually meeting new experiences. As they mature they are facing the need to make first-time decisions on matters of great importance to their futures. This is true in regard both to everyday living and to ideas they are forming as citizens of the United States and of Indiana.

For example, the official lowering of the age of majority to 18 gave them earlier entry to the public decision-making process. At that age they have only a high school education to help them weigh the important issues upon which they may pass judgment. The increased importance of a working knowledge of our state and local governments, such as can be obtained through the

study of this publication, becomes readily evident.

Today's young people grow into adulthood in a period of insecurity. In many respects this is similar to the insecurity faced by the courageous generations of Americans who founded this country and this state. Even as then, a strong bulwark against insecurity is the precept under which our national and state governments were founded — the interaction of free people in a free economy to perpetuate the blessings of liberty.

Liberty is a two-sided coin. On one side, the word "liberty" means freedom from arbitrary or despotic government. On the other it makes free people responsible for governing themselves — not just for today, but in such a way that our freedom of opportunity may be continued and improved for future generations.

Casual Citizen A Liability

Many adults take their responsibilities as citizens lightly. They are not willing to spare the brief time required to cast a vote in the election of persons to administer their government. As their excuse they may declare that "Politics is a dirty word!" or "There is no use in my voting."

Such statements indirectly suggest a disapproval of our form of government, whether such inference is intended or not. Politics is the science of government, and the people who practice that science are politicians. Their role is to carry out the will of the people. When people do not choose their representatives wisely, or do not communicate with them, government is in danger of going awry.

But the people must know what they want, too. Of what good is it to cast a ballot without first exercising thought? What is the use of citizenship oratory that condemns but does not suggest?

Hoosiers Take Politics Seriously

Fortunately, Indiana is known as a state in which its people take their politics seriously. It has at times been among the top states in the percentage of eligible voters who vote. It is a state whose very name suggests to out-of-staters outstanding performances in music, literature and sports. Its rich heritage includes the title "Mother of Vice Presidents."

Politics, like charity, begins at home. With elections, it begins in the neighborhood precinct. With government, it begins in the town or city or township. Local government is closest to the people; they are quicker to understand a local problem of fire and police protection than they are the broader problems of state finance or national defense.

This book will help the reader understand how our state and local governments act in behalf of the people in providing a great variety of public services: schools, roads and streets, police and fire protection, public health, hospitals and penal institutions; assistance to the needy, the aged, the blind, depen-

dent children; a system of courts for the administration of justice; conservation of natural resources; unemployment insurance, and many others.

First Published in 1944

This book was first published by the Indiana Chamber of Commerce in 1944. It has been issued biennially ever since. It was conceived in the mind of Clarence A. Jackson, who then was the Chamber's executive vice president. In the first edition, Mr. Jackson wrote:

"Constant research in the functions and operation of government is one of the responsibilities of the Indiana State Chamber of Commerce. In conducting these studies, we have found a need for a source of organized and simplified — yet detailed — information concerning Indiana's maze of governmental offices and public bodies. To answer that need this book has been published."

The public response to that first edition — from educators, adult civic groups, public officials, legislators and private citizens — was far beyond the most optimistic expectations. Because of that response, and because Indiana's governmental structure is constantly changing, the book is kept constantly in print — revised and reissued every two years.

Here is Your Indiana Government is dedicated to a better under-

standing of our Indiana government so that when we, the people, "alter and reform" that government the changes may truly represent a common good.



John W. Walls, president of the Indiana Chamber of Commerce, has a wide knowledge of government procedures derived from more than 30 years of experience.

He began his career at the Indiana Chamber in 1950, as a research assistant. Following two years of Chamber service he assumed other positions of increasing responsibility in the community and state, including that as the first executive director of the Greater Indianapolis Progress Committee. He was senior deputy mayor for nearly six years (1968-73) under Mayor Richard Lugar. At the time of his appointment as president of the Indiana Chamber he was vice president of government and community affairs with Merchants National Bank in Indianapolis.

Mr. Walls serves on several civic boards and committees in Indianapolis and is an appointive member of various state governmental bodies.

STATE GOVERNMENT

□ In the area of public affairs, state government is of major significance to the people.

This state's organizational pattern is established in the Indiana Constitution in these words: "The powers of government are divided into three separate departments: the legislative, the executive including the administrative, and the judicial" (Article 3, Section 1). From this pattern has grown an ever-broadening panorama of new and old governmental functions.

Well over a century ago, when the present state Constitution was ratified in 1851, the operating units of state government could have been described and their functions stated in a very few pages. Today, however, the story is quite different. It would take perhaps as many pages merely to list the titles of such units. State government has assumed more and more functions; in consequence, it has created more and more offices, departments, commissions, boards and institutions.

Much of this growth can be attributed to the trend toward centralization within state government — plus the fact that, as everyday living grows more complicated and people demand new services, the structure of government necessarily becomes broader and more complicated.

State Acts as Collection Agency

The centralization trend has been largely an outgrowth of increasing dependence by local governments on tax funds provided by the state, just as the states for many years grew more and more dependent on the federal government for cash allotments. Local units of government originally were established by the state legislature with specific grants of authority to carry out administrative functions. Local governments were authorized to levy and collect specific taxes. Local taxes were levied exclusively on personal and real property with the exception of certain poll, license and other special taxes yielding comparatively minor sums.

As the demands for local governmental services grew, however, it was found that the cost of the services was greater than the taxes that could be raised conveniently on local property. Rather than forego the services, it became the common practice of local governments, singly and collectively, to undertake to

obtain appropriations from the state. The legislature naturally was reluctant to provide tax funds to be spent by local governments without imposing certain controls over the manner in which the funds were to be spent. The result was expansion of both the power and machinery of state government. (The power and machinery of federal government expanded in like manner and for the same reason.)

The state has set up departments, boards, bureaus and commissions to formulate performance standards for local governmental units. The legislature has created state administrative agencies to review and check on local officials. All these have contributed to expansion of the state government mechanism.

New State Functions Established

Over the years, the creation of new governmental services and functions has required major new departments of state government. For example, in 1936 the state unemployment compensation program was created as an adjunct to the nationwide social security program. To administer this, a huge unemployment compensation department was required. In 1936 also, the State Department of Public Welfare was created to administer other phases of the social security program.

There are many other examples. The State Police Department at first was small and relatively unimportant when there were fewer cars and the population was less mobile. But the police agency has grown into an important department with the duties of patrolling the highways and enforcing criminal laws.

When Indiana's gross income tax was enacted in 1933, an agency of government was created to administer and collect the tax. In 1947, a new Department of State Revenue was created to collect all major state taxes. It also collects and remits back to the counties the local option income taxes which individual counties began adopting in 1973, and the local income tax which was adopted locally or authorized in 1975.

As the following description will show, the structure of Indiana's government adheres to the federal three-part, checks-and-balances pattern — the legislative, the executive and administrative, and the judicial divisions of government.

State Legislature

□ The Indiana General Assembly, commonly called the legislature, has the power and duty of making the state laws which vitally affect the daily lives of Indiana citizens.

The legislature has the power to enact all types of laws not specifically prohibited to it by the state Constitution and not in conflict with powers — and federal legislation enacted thereunder — delegated to the United States government by the federal Constitution. In exercising its powers, the General Assembly has delegated certain legislative powers in respect to the

management of local affairs and levying of taxes to town boards, city common councils, township boards and county councils.

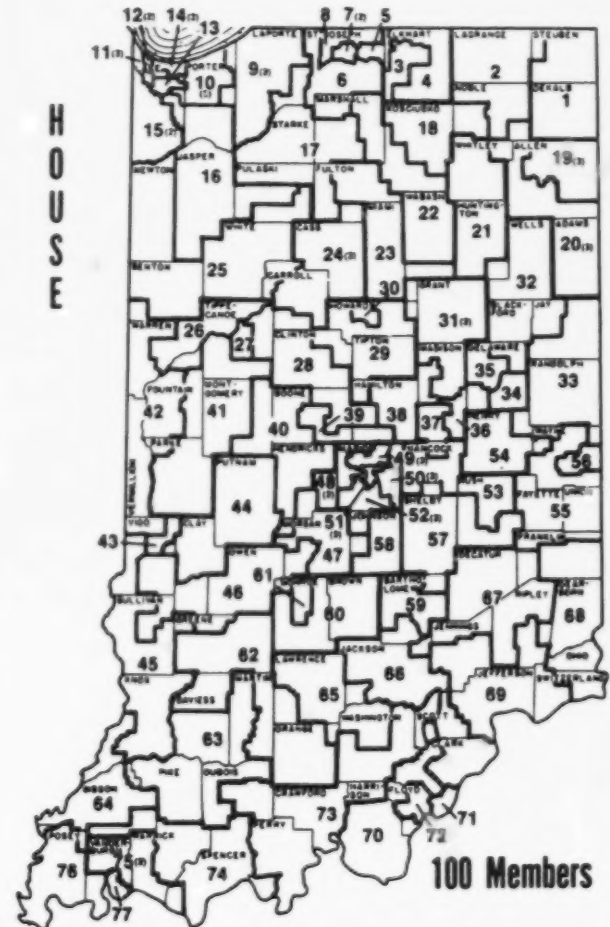
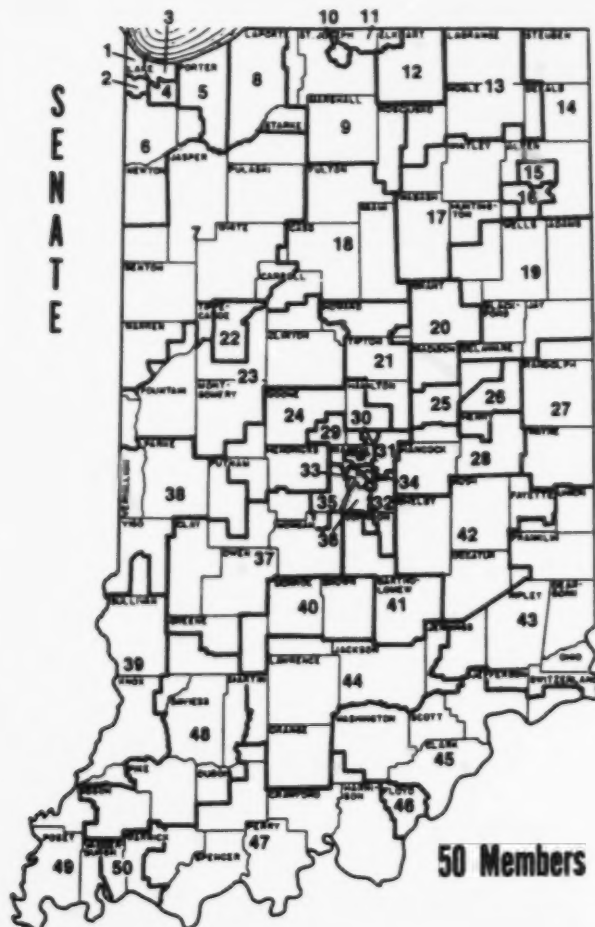
The division of legislative power between state legislatures and the Congress of the United States is controlled to a large extent by the Tenth Amendment to the Constitution of the United States, which is as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Indiana State Legislative Districts

Key to Maps: Heavy lines indicate borders of House and Senate districts. Of these, all 50 of the districts in the Senate and 61 of the 77 in the House are single-member districts. In the House's 16 multi-member districts, smaller figures in parentheses indi-

cate whether the district has two representatives or three. On the average, there is one House member for each 38,490 persons of voting age and one Senate member for each 76,980 of voting-age population (1980 census).



Thus it may be seen that sovereignty is recognized as resting inherently in the states, modified only by specific delegations or prohibitions of power. This leaves the Indiana legislature and the legislatures of other states with a very broad field in which to exercise their powers under their respective state constitutions.

Makeup of the Legislature. The Indiana Constitution provides that the General Assembly shall consist of a Senate of not to exceed 50 members and a House of Representatives of not to exceed 100 members, chosen by popular election from legislative districts. The legislature has taken advantage of the maximum number of members allowed; it is made up of 50 senators and 100 representatives. The term of each legislature spans two years.

The Indiana Constitution requires that the senatorial and representative districts be based upon population according to the federal decennial census. It specifies that the lawmakers who are elected in the census year shall determine the district boundaries and apportion the senators and representatives among the districts.

For many years, however, Indiana legislatures failed to realign the districts for electing members of the General Assembly. The apportionment of seats in both houses in effect when the 1963 session convened was the same as that for the 1923 session, despite drastic shifts in population over the 40-year period. On the basis of population, rural areas were over-represented and the counties containing Indiana's largest cities were greatly under-represented in both houses of the legislature.

But the U.S. Supreme Court in 1962 had held that federal courts could take jurisdiction in cases alleging lack of proper representation in state legislatures. In light of this decision, Indiana and other states began to act to correct such imbalances.

Districts Revised in 1963 and 1965. The 1963 General Assembly approved a reapportionment which with a few exceptions provided House districts that were reasonably related to voting-age population. Senate seats were based partly on county-unit factors, in addition to population. The 1965 legislature was elected from the new districts.

While the 1965 General Assembly was in session, a Federal District Court in Indianapolis ruled that the apportionment had not met the U.S. Supreme Court's requirement that both houses be apportioned on a population basis.

The 1965 General Assembly then approved a new plan of reapportionment designed to meet U.S. Supreme Court "equal population" standards as well as the requirements of the Indiana Constitution. But this plan also was held by the district court to violate the "one man, one vote" principle established by the U.S. Supreme Court.

A special session of the General Assembly was called by Governor Roger Branigin and convened in October, 1965. It passed four alternative plans for each house for consideration by the district court. The court approved the Assembly's second-choice plan for the Senate and third-choice plan for the House, to be effective beginning with the 1966 elections. The redistricting was based upon the number of each county's residents over 21 years old as shown by the 1960 U.S. Census.

The approved plans gave the nine largest counties, with slightly over 49 percent of the state's voting-age population, preponderant control over election of 52 seats in the 100-member House. The top eight of these counties, with 47 percent of the population, could dominate the election of a majority of 27 seats in the 50-member Senate.

Reapportionment in 1971, 1972 and 1981. New district boundaries were fixed for the Senate and the House (and for the 11 congressional districts) in 1971, following the 1970 federal census. The "one man, one vote" principle was invoked and

the result was a new pattern consisting solely of single-member districts, 50 in the Senate and 100 in the House. This development had been influenced by the passage in 1969 of a constitutional amendment providing for single-member districts in both chambers of the Indiana General Assembly. (The amendment itself eventually died, however, because of failure to be approved by the succeeding legislature.) Another possible factor was the bringing in 1969 of a federal suit charging that multi-member districts were unconstitutional because they tended to diminish the voting strength of minority groups. The plaintiffs won a favorable decision from a three-judge panel sitting in Indianapolis but the U.S. Supreme Court, on appeal, ruled that the plaintiffs had failed to prove their case.

Two state-level suits were brought against the district boundaries approved in 1971 contending that the plans had numerous shortcomings, including the fact that some of the new boundary lines cut across county lines in violation of the Indiana Constitution. (The suits were later consolidated into one action which never came to trial.) In 1972 the legislature retained the Senate boundaries, while making some slight technical changes, but revamped the House districts into a new plan. The 1972 House plan resulted in 53 single-member districts, 13 two-member districts and seven three-member districts. These were the Senate and House districts from which the General Assembly was elected for 1973-74 through 1981-82. New districts were enacted in 1981, based on the 1980 census. (See maps, page 2).

Compensation of Legislators. Each member of the General Assembly is paid a salary of \$11,600 annually. In addition, each receives an expense allowance: \$80 per day during the sessions and when attending interim study hearings or other official business between sessions, and \$20 per day when not on official business. Legislative leaders are paid additional allowances ranging from \$5,000 for the president pro tem of the Senate and the speaker of the House to \$3,500 for certain other officers.

Terms of Office and Qualifications. Members of the Indiana Senate are elected for four years, but not all at the same time; half of the members are elected each two years. Members of the House of Representatives are elected for two-year terms, with the result that the entire membership of the House is subject to election each two years. Anyone seeking election to the Senate or House must be a citizen of the United States, a resident of Indiana for at least two years, and an inhabitant of his or her county or district for one year. Senators must be at least 25 years of age and representatives at least 21 years of age when elected. No person holding a lucrative public office or an appointive federal or state position may hold a seat in the General Assembly.

In all cases except treason, felony and breach of the peace, senators and representatives are immune from arrest during sessions of the legislature and in going to and returning from the sessions. They also are immune from civil court actions during a session of the legislature and for 15 days preceding a session. No action may be taken against members of the legislature for statements made in speeches or debate in the legislature.

Under the terms of 1974 ethics and conflict of interest legislation, six-member ethics committees were established for the Indiana Senate and the Indiana House. These bodies adopted codes of ethics for their respective chambers. The law directs them to receive and hear complaints concerning violations of such codes, recommend appropriate legislation in the area of ethics and conflict of interest, and advise on questions of ethics and conduct.

The legislation provides that legislators and candidates for the General Assembly shall, within seven days after the first session day each year, file written statements of economic interests for the preceding year. In addition, before filing a declaration of can-

didacy for the General Assembly, the potential candidate must file a statement of economic interests covering such information as the law requires. The economic interest statements and the campaign contribution statements are to be made open for public inspection.

Bribery legislation provides for a fine of up to \$10,000 and prison sentence of 5 years for anyone convicted of the improper offer of, solicitation of, or acceptance of compensation to influence action taken in performance of duty.

Sessions of the Legislature. Prior to 1970, the Indiana Constitution required each General Assembly to meet only once during its two-year term. Hoosier voters in 1970 approved an amendment which allowed legislators to determine the length and frequency of their sessions. The 1971 legislature then enacted a law specifying one session annually instead of one biennial session. As amended in 1973, the law calls for an organizational meeting on the third Tuesday after the first Monday in November. It provides that the legislators may reconvene at any time thereafter, with the second Monday in January as the final date by which time the regular session must be in progress. The first regular session of every new General Assembly extends for up to 61 session (working) days but not beyond April 30 in an odd-numbered year. The second regular session occurs in the following year and extends for up to 30 session days but not beyond March 15. The legislators may recess for varying periods and can adjourn prior to the dates cited.

The governor has the power to call a special session at any time if, in his opinion, "the public welfare shall require" such a session. Duration of the special session is limited to 30 session days during a period of 40 calendar days.

Powers of the Legislature. The Indiana General Assembly, as previously indicated, has broad powers to enact laws that directly affect the daily lives of Indiana citizens. These powers are restricted only by the Constitution of the United States and federal laws enacted thereunder and the Constitution of the State of Indiana. The general grant of powers to the state legislature is contained in Section 16 of Article 4 of the state Constitution, which reads as follows:

"Section 16. Each House shall have all the powers necessary for a branch of the Legislative department of a free and independent State."

Chief restrictions in the state Constitution on legislative powers are found in Article 1, the "Bill of Rights" of the state Constitution. Other restrictions are contained in Sections 22, 23 and 24 of Article 4 of the Constitution. (The state Constitution printed in the appendix of this book enumerates the restrictions on legislative powers.)

The legislature decrees the types of taxes which will be levied on citizens and businesses for state purposes and the rates of these taxes. It can create and abolish agencies of state government. It determines, through its budget-making powers, how much shall be spent for each of the many services of government. It prescribes the procedure for nomination and election of state and local government officials.

The legislature also sets the rules for operation of Indiana's local governments — the counties, cities, towns and townships. It can authorize or prohibit various types of local taxes. It determines the amount of state-collected tax funds to be distributed to the units of local government for schools, highways and other purposes, and designates the basis on which these funds are to be distributed.

Specific Grants of Power. In addition to the general grants of power and the limits under which the legislature functions, the state Constitution grants certain specific powers including the following:

1. The power to deprive of the right of suffrage any person convicted of an infamous crime.

2. The power to provide by law for the election of all judges of courts of general and appellate jurisdiction at elections to be held for such officers only.

3. The power of either house to punish its members for disorderly behavior and by a two-thirds vote to expel a member.

4. The power of either house to punish by imprisonment any person not a member of the legislature who is found guilty of disrespect to the house by disorderly and contemptuous behavior.

5. The power by joint vote of both houses, in the event of a tie vote between candidates for governor and for lieutenant governor, to break the tie by electing one of the gubernatorial candidates as governor and one of the candidates for lieutenant governor as lieutenant governor. Also in contested elections for governor and lieutenant governor the General Assembly may determine the outcome in a manner prescribed by it.

6. The power to impeach any state officer for crime, incapacity, or negligence, either by a joint resolution adopted by the General Assembly or through an impeachment proceeding brought by the House of Representatives and tried by the Senate.

Other specific powers granted to the legislature relate to the judiciary and to the organization and powers and duties of local units of government.

Legislative Procedure

A bill becomes a law in the Indiana General Assembly by passing through certain parliamentary steps. Some people might call these steps "ground rules;" together they make up a long-established legislative procedure that involves more than simple rules of order.

This process is prescribed in part by Articles IV and V of Indiana's 1851 Constitution, and in part by the rules of the Senate and the rules of the House of Representatives. For example, the Constitution requires that "bills for raising revenue shall originate in the House of Representatives." The rules of the Senate and the House apply to technical matters such as determining the final day for introduction of bills.

A legislator who sees that a certain problem needs to be answered by legislation must draw up a proposed law in the form of a bill. The lawmaker introduces the bill in his or her own chamber — either the Senate or the House — and it is assigned a number. That action begins the process under which the author-legislator seeks to gain approval of the bill, first by a committee, then by a majority of the members of the chamber. If the author succeeds, the bill is sent to the other chamber to undergo the same process. Should it win passage there, it goes to the governor for final approval. However, many of the bills which become law in this manner are amended before their enactment.

The steps through which a legislator's bill will go, if it is to become law, can be summed up in this way:

House of Origin. 1. When the bill is introduced, it is "read for the first time." In actual practice, the entire bill is not read aloud by the reading clerk but only the title of the bill. The title states the general subject of the bill and whether it amends the Indiana Code (body of state laws).

At the same time, the bill is assigned to an appropriate standing committee by the speaker of the House or the president pro tem of the Senate. There are 19 such committees in the Senate and 26 in the House; they cover specific fields of interest such as

agriculture, education, labor, public health, roads and judicial matters.

2. The committee to which the bill is referred meets to consider that bill and other bills assigned to it. The legislators who make up the committee weigh the merits of proposed legislation, and hold public hearings to receive arguments for and against it. The bill's author, any affected person or organization, and interested members of the public have the right to present their views.

Several courses of action are open to the committee. It may (1) recommend that the bill "do pass" as introduced; (2) amend the bill and then recommend "do pass"; (3) send the bill to be considered by the full membership "without recommendation" as to its merits; (4) recommend that the bill be "indefinitely postponed," or in other words that it be killed; (5) recommend that the bill be referred to another committee; (6) offer the full membership divided reports of the committee for and against the bill, or (7) refrain from taking any action on a bill and thus refuse to advance it. It is in this last way that many bills are killed.

When the House or Senate receives a bill from a committee, the membership may accept or reject the committee's recommendation. In the case of divided committee reports, the full membership must decide whether the committee's majority report or its minority report should be accepted.

3. The next step is consideration of the bill on "second reading." It must have been printed, including any amendments

made by the committee, and have been distributed among members so that they have had an opportunity to study the bill in full. Printed bills must lie members' desks for 48 hours before being eligible for second reading consideration.

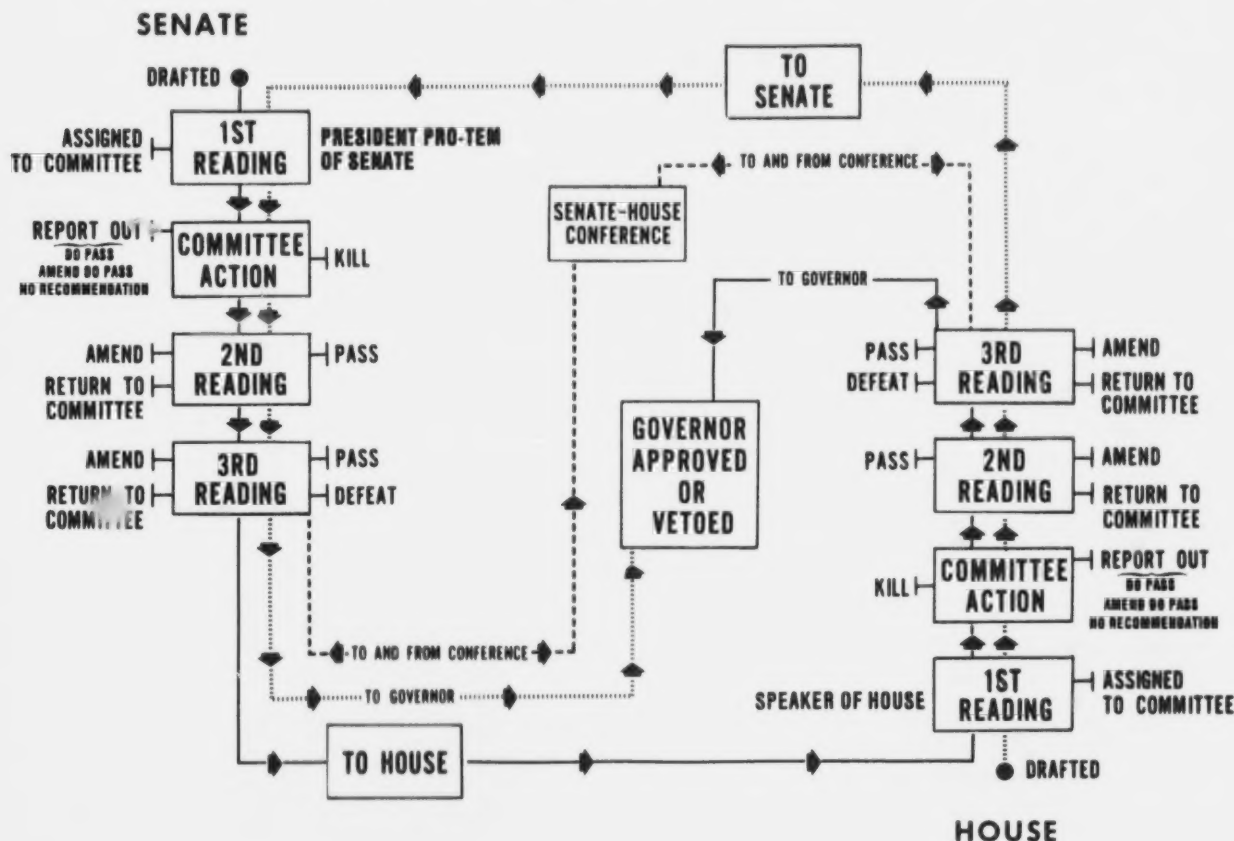
Second reading is the customary time for the offering of amendments from the floor. Such amendments or other proposed action, including motions to kill the bill, must be accepted or rejected by the membership at the time they are proposed. A parliamentary exception would be the postponement of action by making the bill subject to consideration as a "special order of business" at a specific time.

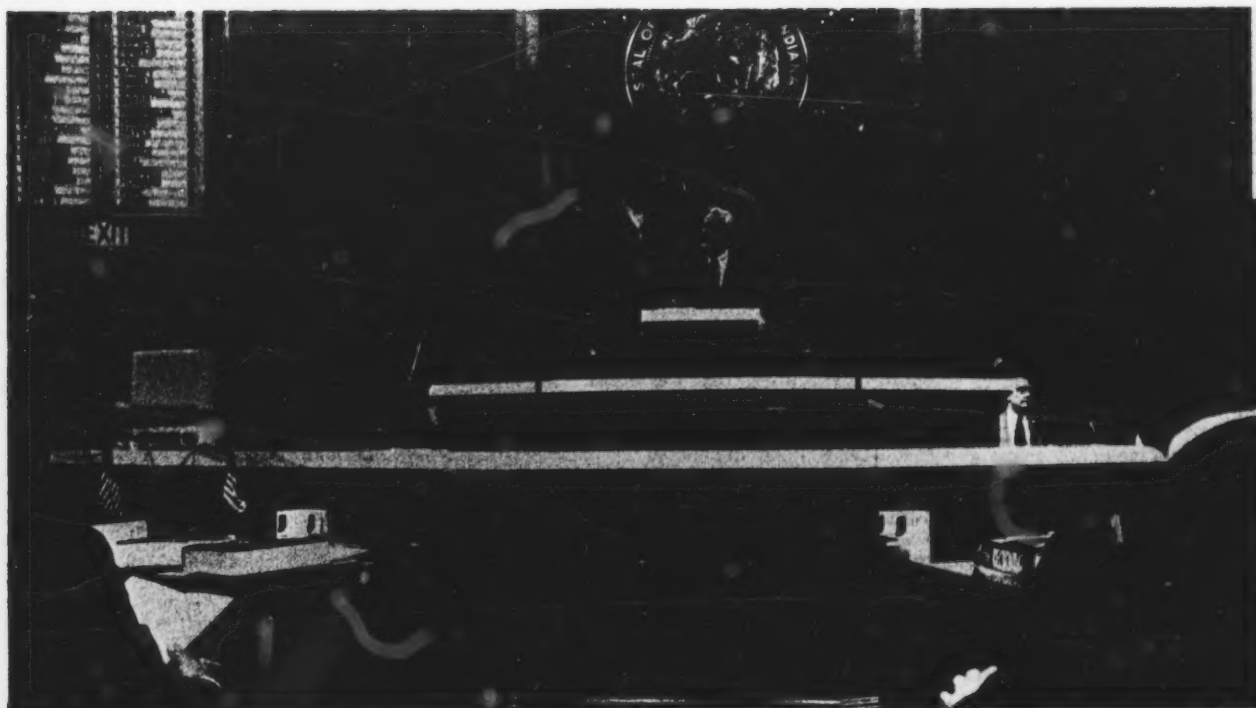
There is an interesting feature relating to bringing a bill to action. In the House, the speaker has the sole power to "hand down" a bill — bring it to the floor. In the Senate, the power to "call down" a bill for consideration is reserved to its author.

4. The next step is for the bill on "third reading" to undergo final passage or rejection by a roll-call vote of members of the chamber. It is prior to this vote that the merits of the bill are argued on the floor. No bill can be passed by either house unless a quorum (67 members in the House and 34 in the Senate) is present. It must receive a constitutional majority of "aye" votes (51 in the House and 26 in the Senate) to win passage.

Action in Second House. 5. A bill that has been passed by one chamber is then sent to the other. There it is subject to the same procedure as in the first house. It must be referred to and reported out by a committee, go through second reading, then

How A Bill Becomes A Law In Indiana





THE GOVERNOR OF INDIANA, Robert D. Orr, is shown above as he speaks to members of the General Assembly who gathered in the House of Representatives on Jan. 13, 1987 to receive his recommendations for legislation. Above Gov. Orr is a bronze representation of the state seal. To either side are the electronic boards on which votes are registered. Representatives use their desk switches to vote "Aye" (green light) or "Nay" (red light). The same voting method is used in the Senate. (Star photo by Rob Goebel.)

receive a constitutional majority of votes before it is ready to be sent to the governor.

6. For some bills, another step is required after passage by the second chamber. If it has been amended there, the bill must be sent back to the first house for a vote to accept or reject the changes.

If the amended bill is rejected by the first house, a conference committee is appointed, usually made up of two legislators from each chamber. The task of this committee is to resolve the differences between the two chambers. If the committee members can agree on an acceptable version, they resubmit the bill to each house. Should the committee report be accepted by each chamber, the bill is ready for final printing. If an agreement is rejected, a new conference committee may be appointed or the bill may die for want of agreement.

Action by Governor. Every bill that passes both houses must be presented to the governor. The constitutional provision for this action previously allowed the governor three days (excepting Sundays) in which to evaluate the bill and act on it. Indiana voters in 1972 approved an amendment which allows the governor seven days of deliberation concerning which of three options to adopt. The governor may:

1. Sign the bill, in which event it becomes law at the proper time. Unless otherwise indicated in the bill that date is Sept. 1 (July 1 beginning in 1988).

2. Decline to take action, in which event it becomes law without signature.

3. Veto the bill, in which event it dies unless the veto is overridden in both houses by constitutional majorities (26 or more

votes in the Senate and 51 or more votes in the House).

If the governor vetoes a bill during a recess or after the end of a session, it must be returned to the house of origin on the first day that the General Assembly is again in session. The governor may no longer kill a bill by "pocket veto," this option having been eliminated by the constitutional amendment.

Laws Studied Year Around

Members of the Indiana General Assembly are required to consider and pass judgment on numerous proposed laws on a great variety of subjects submitted at each regular session. The number of measures introduced varies from about 1,500 in odd-numbered years (long session) to about 950 in even-numbered years (short session). Of the total number introduced, between 20 and 30 percent will become law.

To meet the pressures posed by the need to consider so many proposals, particularly in view of their mounting complexity, the legislature has created advisory groups and special agencies to provide for interim study of proposed legislation.

These advisory groups may take the form of permanent state agencies — such as the Legislative Council and the Commission on State Tax and Financing Policy — or they may be standing committees or committees of a temporary nature. Each is assigned to study a specific subject between sessions of the legislature and report its findings and recommendations.

The interim study groups usually are made up of legislators themselves who work with and report to the Legislative Council.

PERMANENT AGENCIES

Legislative Council

The General Assembly has created a Legislative Council to carry out interim studies and administer the work of the Legislative Services Agency, which is its service arm.

Membership of the Legislative Council is: **from the Senate** — the president pro tem of the Senate and three members appointed by the president pro tem, plus the majority caucus chairman, the minority leader and one appointee, and the minority caucus chairman; **from the House of Representatives** — the speaker of the House and two appointees, the majority leader, the majority caucus chairman, the minority leader and one appointee, and the minority caucus chairman. In addition, the lieutenant governor, as president of the Senate, may serve ex officio on the council as a nonvoting member.

Powers of the Council include those to: (1) Study subjects of interest and concern and recommend such legislation as the welfare of the state may require; (2) Direct standing committees of the Senate or House of Representatives or appoint committees and subcommittees subject to the authority of the Council to carry out studies on subjects of interest and concern; (3) Recommend such codification and general revision of the constitution and the laws of the state as may, from time to time, be necessary; (4) Require any officer or agency, board, commission, committee or other instrumentality of the state or of a political subdivision to provide information bearing on subjects under consideration by the Council or by a standing committee or any of the Council's committees or subcommittees; (5) Subpoena witnesses and documents; (6) Adopt such rules and procedures and organize such agencies as may be necessary or appropriate to carry out its duties; (7) Receive appropriations and make allocations for the reasonable and necessary expenditures of the Council and the standing and interim committees of the House of Representatives, Senate and General Assembly; and (8) Enter into whatever contracts or arrangements deemed by it to be necessary.

The Legislative Council is directed to: (1) Coordinate and assist the work of standing or interim committees, subcommittees or commissions appointed by the Council or at the direction of the General Assembly or of the Senate or House of Representatives; (2) Review the operations, budgetary practices and expenditures of all state agencies; (3) Recommend changes in the rules and procedures of the Senate and House of Representatives; (4) Work with the standing and interim committees, subcommittees and commissions of the General Assembly or of the Senate or House of Representatives to assure efficient utilization of Legislative Services Agency employees; (5) Publish such records, schedules, indexes and reports as the General Assembly may require; (6) Arrange and contract for the printing of bills, enrolled acts, session laws, journals, the Indiana Code and supplements to the Indiana Code, the Indiana Administrative Code and supplements to the Indiana Administrative Code, the Indiana Register, and the miscellaneous printing needs, supplies and equipment of the Council, Legislative Services Agency, and the General Assembly; (7) Provide adequate quarters and office space for all legislative activities; (8) Supervise the operation of the staff and services of the Legislative Services Agency; and (9) Submit a report of its activities to the members of the General Assembly and to the governor.

The Council meets at the call of the chairman, but meetings may also be called upon the written request of any seven members and upon 48 hours notice to the members of the Council. Council members receive per diem and travel allowances for attendance at meetings and official activities.

The duties of the Legislative Council also include the distribution to the clerk of the Circuit Court of each county a copy of the enrolled acts of each legislative session.

Legislative Services Agency

The staff arm of the Legislative Council is known as the **Legislative Services Agency**. Its duties are to perform such bill drafting, research, code revision, fiscal, budgetary, and management analysis, information, administrative, and other services as are requested by the Legislative Council.

The Legislative Services Agency consists of some 60 permanent employees, headed by an executive director appointed by the Council. The executive director may be removed at any time upon the affirmative vote of twelve members of the Council.

The Legislative Council has certain subjects under study on a permanent or continuing basis through special commissions or committees. An account of the commissions or committees established to make these studies is included in this section. Other subjects are being studied under the direction of the Legislative Council. An account of some of these subjects and of the committees to which they have been assigned appears under "Temporary Study Groups." (See index.)

Commission on Interstate Cooperation

The Commission on Interstate Cooperation is Indiana's principal agency for cooperative action with other states and with the federal government. Its purpose is to promote, where advisable, the adoption of interstate compacts, uniform or reciprocal state laws and administrative regulations.

The commission works to a large degree through the Council of State Governments, an interstate organization with headquarters in Lexington, Kentucky. Along with other states, Indiana contributes to the financial support of the council.

The commission consists of a Senate standing committee on interstate cooperation, the members and chairman of which are appointed by the president pro tempore of the Senate at each session of the General Assembly, and a House of Representatives standing committee, the members and chairman of which are designated at each legislative session by the speaker of the House. Five state administrative officials, named by the governor, act in an advisory capacity to the commission with the governor, president pro tempore of the Senate, Senate minority leader, speaker of the House and House minority leader acting as honorary, nonvoting members.

Commission on State Tax and Financing Policy

The Commission on State Tax and Financing Policy is composed of two representatives, one appointed by the speaker and one by the House minority floor leader; two senators, one appointed by the president pro tempore and one by the Senate minority floor leader; and a fifth legislator appointed by the chairman of the Legislative Council. The speaker and president pro tempore may each appoint two lay persons as nonvoting advisors to the commission.

The commission's functions are to study the state, county, and city tax structures, enforcement policies, administrative practices, collection costs and procedural problems relating to taxes. Either house of the General Assembly may refer any tax

or financing problems to the commission for study and research. A report of its findings and recommendations is made by the commission to each regular session of the General Assembly.

Environmental Policy Commission

This commission was created in 1987 to consider long-term policy, make ongoing evaluation of the state's environmental program and present its findings and recommendations in annual reports. Its staff is provided by the Legislative Services Agency. Membership consists of four legislators appointed by the president pro tempore of the Senate, four legislators appointed by the speaker of the House and four lay persons appointed by the governor (not more than two from the same political party in each case). Two of the governor's appointments are to represent environmental interests and two are to represent economic interests.

Judicial Study Commission

This commission was created to study the structure, operation and administration of the state's judicial system and recommend needed changes in structure and procedures. It is scheduled to expire Dec. 31, 1987.

The Judicial Study Commission has a staff of four, headed by an executive secretary. It is a 12-member bipartisan body consisting of four members appointed by the governor, two state senators appointed by the president pro tempore of the Senate, two state representatives appointed by the speaker of the House, and four members appointed by the justices of the state Supreme Court. Of the governor's appointments to each division, not less than two may be members of the bar. All appointees of the Supreme Court justices are lawyers and two are incumbent trial court judges.

Natural Resources Study Committee

The committee's function is to monitor the laws relating to the Department of Natural Resources, insure that legislation to better serve the people of Indiana will be proposed, and advise and assist the Department of Natural Resources. Its duties include programming conservation activities and developing a long-range plan for land acquisition, capital improvement and development of facilities.

The bipartisan group consists of four members appointed from the Senate by the president pro tem and four from the House of Representatives appointed by the speaker. Appointments remain in effect until election of the next General Assembly.

Probate Code Study Commission

This commission was created to study the uniform probate code and recommend new legislation for the administration of decedents' estates, guardianships and other matters of probate jurisdiction. The commission is scheduled to expire Dec. 31, 1987.

The agency consists of 16 members, 10 of whom are appointed by the governor, one from each congressional district in the state. Three are state senators appointed by the president pro tempore of the Senate and three are members of the House of

Representatives appointed by the speaker. Of the legislative appointees, only one from each house can be an attorney and not more than two from each house can be affiliated with the same political party. Members serve two-year terms. They serve without compensation other than per diem and travel allowance.

Sunset Evaluation Committee

The Sunset Evaluation Committee oversees the study of, and evaluates, the various state agencies subject to being terminated in a procedure commonly known as "sunset." Annually the speaker of the House and the president pro tempore of the Senate designate members to form the evaluation committee. The committee then reviews the agencies and agency programs which are the subject of termination procedures in that year.

TEMPORARY STUDY GROUP

Pension Management Oversight Commission

This commission was established in 1985 to study the investment and management practices of the board of trustees of the Public Employees Retirement Fund and the Field Examiners Retirement Fund. Its expiration date is Jan. 1, 1988.

INTERIM STUDIES

Legislators formerly created study groups by statute. In 1967, the Legislative Council began exercising its own discretion in choosing subjects to be studied between sessions. In 1971, the Council used special interim committees of its own creation which it called "task forces."

In 1973 and again in 1975, the Legislative Council assigned studies to various General Assembly standing committees. Choice of subjects was guided by recommendations made in legislative resolutions. In 1977, the Council adopted the procedure of using both standing committees and select joint committees. In 1987 the Council established select joint committees to study the following subjects:

- agriculture and commerce
- education
- family law
- labor
- local government
- public health and mental health
- transportation and motor vehicles
- utilities

STATUTORY COMMITTEES AND COMMISSIONS

The state has a large number of special commissions and committees that have been created by statute to carry out a variety of tasks. Some are advisory in nature. Others have distinct missions unconnected with any other state agency or board. A few have limited spans of existence.

Below is a listing of all such bodies. Most of them have been given separate mention and description in the following pages (see index).

- Addiction Services Advisory Council
- Administrative Adjudication Study Commission
- Agent Orange Advisory Committee
- Allen County Park Feasibility Advisory Committee
- Arts Commission, Indiana
- Bond Bank, Indiana
- Budget Committee
- Census Data Advisory Committee
- Civil Defense Advisory Council
- Child Support Advisory Committee
- Coal Commission, Indiana
- Code Revision Commission
- Computer Needs and Assessment Committee
- Computer and High Technology Education, Indiana Consortium for
- County Redistricting Commission
- Criminal Justice Institute
- Education Council, Indiana
- Election Board, Indiana
- Energy Development Board, Indiana
- Environmental Policy Commission
- Enterprise Zones Board
- Film Commission, Indiana
- General Corporation Law Study Commission
- Governor's Residence Commission
- Health Planning Services Advisory Committee
- Interstate Cooperation, Commission on
- Job Training Coordinating Council
- Judicial Study Commission
- Legislative Council
- Legislative Services Agency
- Local Government Tax Control Board
- Medical Assistance Advisory Committee
- Minority Business Development Commission
- National Conference of State Legislatures Host Committee
- Natural Resources Advisory Committee
- Occupational Development Office
- Office Building Commission, State
- Pension Management Study Commission
- Property Tax Replacement Fund
- Protection and Advocacy Service Commission for the Developmentally Disabled, Indiana
- Reccunt Commission, Indiana
- School Property Tax Control Board
- Solid Waste Disposal Commission
- State Tax and Financing Policy, Commission on
- Sunset Evaluation Committee
- Transportation Industry Study Commission
- Water and Mineral Resources Advisory Council
- White River Park Development Commission

State Executive and Administrative

□ To carry out the executive and administrative functions of state government, scores of offices, departments, divisions, boards, and commissions have been created. Most of these units have been established by law, although the offices of the governor and several of the other elected state officials were created by the Constitution. In addition, it has been the practice for each governor to create a few agencies, usually of comparatively short duration, by executive order.

The general duties of the executive and administrative units are, as the terms indicate, to execute the laws enacted by the legislature and to administer the affairs of state government.

Governor

The governor is the chief executive of the state. This official's position in the state government is comparable to that of the president in the federal government. The governor occupies the position through powers granted directly by the Constitution and by statute, and also through the powers that stem from the governor's right to appoint and remove personnel in administrative departments. Additional responsibilities include ceremonial duties, serving as honorary or functioning chairman of various boards and activities, and being the titular head of a political party.

Candidates for the office of governor formerly were nominated at party conventions; they now are selected by primary election. The party's nominees for governor and for lieutenant governor run as a team, insuring that the two who are elected will not be of opposite political faiths. The governor is elected by popular vote for a four-year term at the same time that presidential electors are chosen, and assumes office on the second Monday of January following the election. The governor can serve two consecutive terms, but may not serve for more than eight years in any period of 12 years.

To be eligible for the office of governor, a person must be at least 30 years of age and must have been a citizen of the United States and a resident of Indiana for at least five years preceding election. The annual salary of the governor, fixed by statute, is \$77,200 (as of 1988). In addition, the governor is allowed \$12,000 annually for other expenses of office and discretionary use. The state furnishes a home for the governor. The full maintenance expense for the residence, including all utilities and personnel costs for its operation, is paid from appropriations made for that purpose.

Constitutional Powers. The Constitution states that the executive power shall be vested in a governor and makes it the duty of the governor "to take care that the laws are faithfully executed." The governor is commander-in-chief of the state's military and naval forces and may use them "to execute the laws, or to suppress insurrection, or to repel invasion." The governor may recommend legislation to the General Assembly; may call special sessions of the legislature and may veto any bill passed by the legislature. (Such veto may be overridden by subsequent vote of the Senate and House.) By constitutional provision the governor has authority to fill vacancies in any state administrative office, in the office of judge or clerk of any court

and of prosecuting attorney, and may grant reprieves and pardons to persons convicted of crimes.

Statutory Powers. Most powers exercised by the governor are conferred by statutes passed in compliance with the Constitution rather than specifically by the Constitution itself. By far the greater part of the entire administrative system is subject to the general direction of the governor (through the power to appoint administrators), even though there is no specific statutory provision to this effect.

By statute, the governor is given power to appoint and remove heads of nearly all departments, commissions, and governing boards of institutions and fix their compensation in cooperation with the State Budget Agency. Likewise many subordinate positions in such units are filled by the governor. The extent of this power will be shown further as the various units are described.

Executive and administrative positions that are not under the governor's authority include the elective state offices, most of which are created by the Constitution. And many department and institution employees are selected under a state merit system.

Here, briefly, are some of the duties of the governor not already pointed out:

- Serves as chairman of the State Board of Election Commissioners, the Commission on Public Records, the Reciprocity Commission of Indiana, and the Board of Depositories; may be, but is not necessarily, president of the Board of Finance.
- Serves as member of State Armory Board, Indiana State Fair Board, Board of Public Depositories, Indiana Revenue Board, Commission on Interstate Cooperation, Commission on State Tax and Financing Policy, State Traffic Safety Committee, and the Indiana Education Council which represents Indiana on the Education Commission of the States.
- Acts upon extradition papers and requisitions for Indiana prisoners in other states and for prisoners being held in Indiana who refuse to waive extradition to other states.
- Signs all notary public commissions.
- Acts upon petitions for remission of fines and bond forfeitures.
- Approves or disapproves state employee applications for out-of-state travel permits.
- Appoints judges to vacancies in the state high courts and to a substantial number of county and municipal courts.
- Signs all deeds conveying state property.
- Certifies to county clerks the nominations made by political parties at state and national conventions.
- Acts upon claims against property of wards of state for their maintenance.
- Supervises state-owned property.
- Acts upon all purchases in executive departments.
- Decides which holidays will be observed by closing state offices.
- Appoints most of the department heads in the state government.
- Submits the state budget report and proposed appropriation bills to the General Assembly.

- Exercises general direction and control of the Department of Civil Defense, and in the event of disaster or emergency beyond local control may assume direct operational control over civil defense functions within Indiana. In event of extreme emergency the governor is authorized to establish a temporary location of state government outside Indianapolis.
- Appoints members to the various state commissions.
- Appoints Indiana members of multi-state commissions.
- Appoints the majority of trustees of six state educational institutions and for the seventh, Vincennes University, appoints 10 of the 14 board members. (See "Educational Institutions.")
- Is authorized to activate a State Guard when all or any part of the Indiana National Guard is in the active federal service.
- Must receive and act on all bills which come before the governor during sessions of the legislature.

State Election Schedule

Administrative Officials

Governor	1988	1992	1996
Lieutenant Governor	1988	1992	1996
Secretary of State	1990	1994	1998
Treasurer of State	1990	1994	1998
Auditor of State	1990	1994	1998
Attorney General	1988	1992	1996
Superintendent of Public Instruction	1988	1992	1996
Clerk, Supreme Court & Court of Appeals	1990	1994	1998

Legislators

Senators*	1988	1990	1992
Representatives	1988	1990	1992

* Half of the 50 Senate seats are subject to election each two years, except when it is necessary to fill unexpired terms because of death, resignation or other reason for inability to serve.

AGENCIES OPERATING UNDER GOVERNOR

Many departments, divisions and other agencies of the state government operate under a direct line of responsibility to the governor. This is brought about in the main through the authority vested in the governor to appoint, either directly or indirectly, the administrative boards of such agencies.

The agencies which operate to a marked degree under the governor's direction are listed and described below.

State Police Department

The general headquarters of the Indiana State Police Department consists of the superintendent, an assistant superintendent, four lieutenant colonels (deputy superintendents for support services, field operations, data and communications, and special operations), and 10 divisions. The department's field operation consists of seven area commands divided into 18 districts, each composed of several counties. Total number of State Police Department employees as of July 1, 1987 was 1,716 (1,776 authorized).

Chief administrative officer of the department is the superintendent, who is appointed by the governor. The superintendent serves ex officio as chairman of the Law Enforcement Training

Board and serves on several boards and commissions relating to the criminal justice system. The superintendent is responsible for issuing firearm licenses and private detective licenses.

A bipartisan State Police Board consists of six members appointed by the governor for four-year terms, each representing a geographical area of the state. Members receive per diem compensation for days devoted to state business.

The State Police Department exercises general police functions in Indiana. It is charged with enforcing all criminal and traffic laws to protect the lives and insure the safety of citizens. It cooperates with the State Highway Commission in enforcement of state laws relating to oversize and overweight trucks and trailers operated on Indiana highways. State police department members cannot act on cases arising out of labor disputes, however, without direction from the governor. They aid and assist local and federal law enforcement agencies.

Criminal Justice Data Division. This division was created within the State Police Department in 1971 to utilize current equipment, methods and systems for rapid storage and retrieval of criminal justice data in order for Indiana to have an effective criminal justice system.

The superintendent is aided in formulating rules and regulations for the Criminal Justice Data Division by a Criminal Justice Advisory Committee of which the superintendent is chairman. Other ex officio members are the attorney general, the commissioner of corrections and the executive director of the Law Enforcement Training Academy. The remaining members, appointed by the governor, consist of a county sheriff, a chief of police, a prosecuting attorney, a judge with criminal jurisdiction and a criminologist or forensic scientist.

Central Repository. In 1981 the General Assembly created the Central Repository of Criminal History Information within the Indiana State Police Department. This office stores and disseminates felony and class A misdemeanor arrest records of all criminal justice agencies in Indiana. Information can be released outside the criminal justice system in the form of limited criminal history, including pending arrest information less than one year old or arrest data more than one year old with final disposition.

Criminal history information is made available if the subject of the request: (1) has applied for employment, or (2) has applied for a license for which a criminal history check is required by law, or (3) is a candidate for public office or a public official, or (4) is in the process of being apprehended by a law enforcement agency, or (5) is placed under arrest for the alleged commission of a crime, or (6) has charged that his or her rights have been abused repeatedly by criminal justice agencies, or (7) is the subject of judicial decision or determination with request to the setting of bond, plea bargaining, sentencing or probation, or (8) has volunteered services that involve contact, care of, or supervision over a child who is being placed, watched, or monitored by a social services agency or a not-for-profit corporation, or (9) is being investigated for welfare fraud by a public welfare investigator.

Law Enforcement Training Board

The Law Enforcement Training Board, created in 1967, establishes minimum standards of physical, educational, mental and moral fitness for those entering police service. Since 1972 it has set minimum standards for all law enforcement training schools, courses of study, equipment, qualifications for instructors, and other training requirements.

Training schools and courses are conducted at the Indiana Law Enforcement Academy in Plainfield, a 109,000-square-foot facility housing 200 officers. The academy contains chemistry and photography training laboratories, six lecture halls, a library, driving range, firearms range, an assembly hall and a pool for scuba and water rescue training. The building was erected by the Law Enforcement Academy Building Commission, a six-member bipartisan body created for this purpose. The commission issued revenue bonds and expended more than \$3 million on the facility, which then was leased to the Law Enforcement Training Board for use and upkeep. Training operations and retirement of revenue bonds are funded by the receipt of \$3 from each court cost assessed by courts in the state.

The governor appoints the board. It consists of two county sheriffs, three chiefs of police, one prosecuting attorney, one judge with criminal jurisdiction, and one member each representing professional journalism, the medical profession, education, business or industry, labor, and the Indiana Association of Cities and Towns. The superintendent of the Indiana State Police Department serves as chairman.

The board appoints an executive director, whose employment is protected by a four-year renewable contract, as administrative head of the bipartisan agency with staff employees selected on merit — half from either political party. Employees cannot be discharged for political affiliation.

Criminal Justice Institute

The legislature created the Criminal Justice Institute in 1983 to assume the functions of the Criminal Justice Planning Agency and the Indiana Coordinating Council, both now defunct. The Criminal Justice Institute evaluates state and local programs associated with law enforcement, the administration of criminal and juvenile justice and the prevention, detection and solution of criminal offenses. It is also responsible for stimulating research by a consortium of state universities of new methods for reduction of crime and delinquency.

A 16-member board of trustees governs the Institute. The board is nonsalaried and does not receive a per diem; it is comprised of the governor, attorney general, superintendent of state police, commissioner of the Department of Corrections (or their designees); the executive directors of the Judicial Center, Public Defender Council, and the Prosecuting Attorneys Council; eight persons appointed by the governor: a sheriff, chief of police, judge, prosecutor, and four citizens with an interest in criminal or juvenile justice, one of whom is a member of the state juvenile justice advisory group under the Juvenile Justice Act. The governor's appointees serve for an initial term of three years, thereafter for four years. In addition, one nonvoting legislative advisor is appointed from the Senate by the president pro tem and one is appointed from the House by the speaker.

Department of Fire Prevention and Building Safety

This department was established in 1984 to consolidate all state building and fire services (including those under the state fire marshal and state building commissioner) into one unified entity. An executive director appointed by the governor manages the department but does not exercise the powers or duties assigned by statute to the state fire marshal or the state building commissioner. The department has several divisions, as follows:

Technical Services and Research. Conducts code research and provides necessary services for the commission and the department to carry out the provisions of statewide building and fire codes.

Education and Information. Develops and administers training and educational programs at the state and local level for the administration, technology, and enforcement of statewide building and fire codes.

Management Information and Statistics. Collects and processes data for fire incidence reporting, develops and manages data bases for department operations, and records all operations required for archiving, information exchange, and code development and management activities.

Code Enforcement. Administers an enforcement program (in cooperation with local building departments and officials) to ensure that statewide building codes are uniformly applied throughout the state. Field enforcement personnel monitor code compliance and provide liaison to building officials at the local level. The Division of Code Enforcement also monitors the factory manufacture and assembly of mobile and modular building structures for compliance with state and federal codes.

Boiler and Pressure Vessel Safety. Enforces rules and standards for the design, construction, installation, repair and inspection of various steam and hot water boilers and pressure vessels, including nuclear pressure vessels. A 10-member Boiler and Pressure Vessel Rules Board is appointed by the governor to formulate and adopt all rules related to boiler and pressure vessel safety and prescribe the qualifications for the inspectors hired by this division.

Elevator Safety. This office was created in 1972 as a Bureau of Elevator Safety within the Division of Labor and transferred in 1984 to the Department of Fire Prevention and Building Safety. Its inspectors enforce laws regarding freight and passenger elevators, dumbwaiters, moving stairways and manlifts, moving walks, workers' hoists, hand-powered personnel hoists and stairway inclined lifts, vertical and inclined wheelchair lifts and escalators.

Plan Review. As staffed by the offices of the state building commissioner and state fire marshal, reviews and approves plans and specifications of all Class 1 structures (and related site improvements as they affect the accessibility to the physically handicapped). Local units of government are required to file plans and enforce codes for one-family and two-family dwellings (Class 2 structures).

State Building Commissioner. This office was created in 1969. The commissioner is appointed by the governor to enforce statewide building codes and standards.

State Fire Marshal. This office administers and enforces state statutes and rules established for: prevention of fires; storage, sale, and use of combustibles and explosives; installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment; and investigation, prosecution, and suppression of the crime of arson. The office is empowered to inspect, subpoena, and make arrests and may also bring actions in the state's superior and circuit courts. It is responsible for developing a fire fighter training program and fire prevention educational activities throughout Indiana.

All local fire chiefs or marshals are ex officio assistants to the

state fire marshal, who is appointed by the governor. They are required to report every fire in the state and to investigate and report any fire of suspicious origin. (Fire insurance companies also must report suspicious fires.)

Local fire chiefs must annually inspect all buildings, premises and public thoroughfares (except the interiors of private dwellings) for violations of fire prevention statutes or conditions liable to cause fires. The office of the state fire marshal has broad powers to remedy any condition endangering life or property. Noncompliance can result in penalties or court action.

Permits issued by the state fire marshal for theaters and other places of amusement cost \$60 for those establishments with a seating capacity of 450 or more and \$30 for those with a lesser capacity. Lodges, churches, unions and similar organizations also must obtain such licenses if their auditoriums or halls are rented for public amusements, but are not assessed.

Fire Prevention and Building Safety Commission

This 15-member commission is appointed by the governor. The executive director of the Indiana Department of Fire and Building Services serves as secretary and the state building commissioner and state fire marshal serve as nonvoting, ex officio members.

Membership is comprised of the state health commissioner, the state labor commissioner and one representative from each of the following areas: professional (paid) fire service, volunteer fire company, fire insurance, fire service industry, manufactured housing industry, fire protection engineering, professional engineer, building contractor, builder of one-family and two-family dwellings, registered architect, design or construction of heating, air conditioning, ventilating or plumbing systems; design or construction of regulated lifting devices; building commissioner of a city, town or county. No more than seven may be from the same political party. Members are appointed to staggered four-year terms and no member (other than a state officer) may serve more than two consecutive terms.

All fire safety building rules and variances of the state must be approved by the commission before final adoption.

Board of Firefighting Personnel Standards and Education

Established in 1972, this board certifies firefighting training and educational programs and fire department instructors, directs research in fire fighting and prevention, and recommends curricula for fire science and fire engineering in institutions of higher education.

The state fire marshal serves as an ex officio member of the board with nine members appointed by the governor, including: two fire chiefs, two fire officers below the grade of chief, two firefighters with at least 10 years of service, and three citizens with experience or education in firefighting and related fields.

Office of Adjutant General

Appointed by the governor and serving at the pleasure of the governor, normally for a term of four years, the adjutant general is the executive and administrative head of the state's military forces. All matters concerning or relating to the National Guard, state militia or military organizations under state jurisdiction are administered through this department. (The gover-

nor, under the Constitution, is commander-in-chief.) These military forces, composed of volunteers, in peace time have consisted of the Army National Guard and Air National Guard and the Indiana Naval Forces. They are supported jointly by the state and federal governments, with the exception of the Indiana Guard Reserve.

Indiana's Army National Guard and Air National Guard were called into federal service during World War II. The Air National Guard was ordered to active duty during the Korean conflict and also during the Berlin crisis in 1962. The 915th Ambulance Company, a unit of the Army National Guard, was ordered to active duty during the Korean conflict. In May of 1968, Company D (LRP), 151st Infantry, was ordered to active duty in Viet Nam.

The governor is authorized by law to organize an Indiana Guard Reserve when all or part of the National Guard is in the active federal service. The Indiana Guard Reserve was activated during World War II. The Indiana Guard Reserve is at present organized in cadre form in 72 communities in Indiana.

The Indiana National Guard remains constitutionally a state-administered military force. The dual state-federal missions are defined as follows:

State—To provide units organized, equipped and trained to function efficiently at existing strength in the protection of life and property and the preservation of peace, order and public safety under orders of the governor.

Federal—To provide trained units and qualified individuals available for active duty in time of war or national emergency in support of the Department of Defense war plans and at such other times as the national security may require augmentation of the active forces.

Training directives, military equipment and drill pay are provided by the U.S. Department of the Army and Air Force National Guard Bureau. Armory space is provided by the state.

The adjutant general appoints two assistant adjutants general, one to be responsible for operation of the Army National Guard forces and one responsible for the Air National Guard.

Armory Boards. Management of the physical properties of armories is vested in a State Armory Board composed of the governor and adjutant general (as ex officio members) and five persons appointed by the governor for terms of four years. Administrative responsibility of the board is carried out through the office of the adjutant general. Local armory boards of three to five members appointed by the adjutant general have limited supervisory powers over their own armories.

Department of Civil Defense

The potential threat of an atomic attack upon the United States prompted the creation in 1951 of the Department of Civil Defense as a continuing state agency. The 1987 legislature appropriated \$619,224 to finance civil defense during the current biennium.

The department operates under the general direction and control of the governor and a Civil Defense Advisory Council appointed by the governor. It is responsible for those protective measures and emergency relief activities which are not the primary responsibility of military forces or federal agencies. Execution of the governor's civil defense programs is one of the department's functions. An executive director is appointed by the governor with the advice of the advisory council.

The director administers the department, coordinates the civil defense activities of local units of government and cooperates with the civil defense agencies of other states and the feder-

al government. Each county in Indiana is required to maintain a county civil defense advisory council and a county civil defense plan and program. Each political subdivision within each county also is required to maintain a civil defense organization in accordance with the county and state and under the direction of the county civil defense organization.

State Civil Defense Advisory Council. The voting membership of the State Civil Defense Advisory Council may not exceed 16 persons. The council is composed of persons representing business and industry, labor, cities and towns, rural population, women, veterans, education, disaster relief, medical care and the Indiana press. State officials whose agencies are involved in civil defense may become nonvoting members upon designation by the governor or the council.

The council advises the governor and civil defense representatives and approves the state civil defense program and budget for each quarter of the year.

Department of Veterans' Affairs

Since its creation in 1945, the Department of Veterans' Affairs has provided information and services to the state's veterans and their dependents with the cooperation of the major service organizations. It holds an annual training conference for all city and county veteran service officers and other interested persons and is raising funds for creation of the Korean and Vietnam Wars Memorial.

The department is supervised by a four-member commission and a director appointed by the governor. All must be honorably discharged wartime veterans.

Education and Training. This division is the official state approval agency for all state education and training of veterans and their dependents. It reviews schools and training establishments and updates financial aid sources.

Veterans Services. This division assists the state's city and county veterans service officers, now numbering 87, by providing technical and administrative support. It publishes a monthly bulletin, is responsible for veteran benefit programs and is implementing an Agent Orange birth defects study, first of its kind in the nation.

Alcoholic Beverage Commission

The Indiana Alcoholic Beverage Commission is charged with administering and enforcing, with the concurrent jurisdiction of local authorities, the laws governing the manufacture, distribution and dispensing of alcoholic beverages.

The commission consists of four members who are named by the governor for four-year terms on a bipartisan basis. The governor appoints one member of the commission as chairman pro tempore to act in the absence of the regular chairman.

The commission regulates the alcoholic beverages industry, including trade practices. Its regulations must be approved by the attorney general and governor and be officially received by the secretary of state before becoming effective. It has a staff of approximately 100 persons.

Each county has a local excise board consisting of three appointive officials and one representative of the state commission. The board passes upon the fitness of applicants for retail licenses and the propriety of their locations for dispensing alcoholic beverages. Issuance of licenses is discretionary with the

state commission, but it cannot grant a permit if a local board votes adversely.

Appointed by and working under the direction of the commission are excise police with power to enforce state laws and regulations. They may work independently or cooperate with local or state police officers.

The governor appoints a prosecutor to try all violations of the alcoholic beverage law. The Alcoholic Beverage Commission appoints a judge to hear the cases and recommend dispositions to the commission.

The revenue from alcoholic beverage excise taxes and permit fees is allocated as provided by law to the state, to local civil units, to the state school tuition fund for distribution to local schools, and to state institutions for construction purposes.

Bureau of Motor Vehicles

Responsibility for the registration of motor vehicles and the licensing of motor vehicle operators is vested in the Bureau of Motor Vehicles Commission, which is headed by a commissioner appointed by the governor.

This bureau is responsible for motor vehicle registrations, titles and operator licenses. It works through 189 auto license branch offices (at least one in each county). Vehicle owners must buy license plates in the county in which they reside; the plates can be purchased in person or by mail.

Branch office managers have traditionally been political appointees, running their branches independently and deriving their compensation from fees and service charges. However, the General Assembly in 1986 began the process of removing control of the branches from county chairmen of the governor's party to state government. Ten branches were selected to be operated by the state as a pilot program; the commission must take over all branches by 1988.

The Bureau of Motor Vehicles is the depository for the titles of all motor vehicles owned in the state. With enactment of the Driver's License Compact, Indiana joined other member states in interchanging information on moving-traffic violation convictions and drivers' license suspensions. The bureau employs 525 persons in full-time positions.

Licensing of Commercial Driver Training Schools and Instructors. The commissioner of the Bureau of Motor Vehicles administers and enforces provisions of a law requiring licensing of commercial driver training schools and driving instructors.

Motor Vehicle Safety Responsibility. This division administers the safety responsibility laws. All operators, chauffeurs and owners of motor vehicles are required to prove the ability to assume financial responsibility following a motor vehicle accident resulting in damages in excess of \$200.

Through utilization of the point system, the Driver Improvement Division attempts to identify problem drivers and through the administrative hearing procedure to apply sanctions if needed to improve driving conduct.

Dealer Division. The Bureau of Motor Vehicles licenses all motor vehicle dealers and issues various types of motor vehicle dealer plates. Through this procedure the bureau can regulate the conduct of motor vehicle dealers.

Defensive Driver Instruction. This program presents a positive approach to traffic accidents. A judge can refer an individual to the program as an alternative to suspending a driver's license for a traffic violation. It includes defensive driving classes that are offered in 86 locations. A driver convicted of two or more

traffic offenses within 12 months may be required to attend this course.

Medical Advisory Commission on Drivers' Licensure. This commission gives the Bureau of Motor Vehicles guidance, leadership and technical knowledge for developing a medical program to further and improve motor vehicle licensing. It is composed of five members; two must have an unlimited license to practice medicine in Indiana and one must be licensed as an optometrist.

Department of Public Welfare

The State Department of Public Welfare is responsible, in conjunction with county departments of public welfare (functioning under the State Department's direction), for administering the welfare phases of the federal Social Security and food stamp programs.

The department is headed by the welfare administrator, who is appointed by the governor. A five-member State Board of Public Welfare (no more than three of one political party) is appointed by the governor to set programs and policies. Under the authority granted by the Indiana Welfare Act and within limitations prescribed by the Social Security Act, the State Board adopts regulations for the state and county departments and provides for hearings on program appeals. The department employs more than 3,000 persons in state and county positions; all are merit system employees except for the administrator and several top executive positions.

The department is supported by several advisory groups. The administrator appoints a Medicaid Claims Review Committee of nine members, seven representing the health field and two the general public. The Child Support Division Advisory Committee has 10 members—six state legislators (three from each legislative chamber) plus one person appointed by the governor, one named by the state budget director, one by the Prosecuting Attorneys Council and one by the state welfare administrator.

Another support group is the 26-member Advisory Committee for Medical Assistance. There are three ex officio members and two state legislators (one from each house); the administrator as committee secretary appoints 13 and the governor appoints eight.

Aid to Families with Dependent Children. This major welfare program is financed by federal, state and county funds. The maximum monthly AFDC grant, other than for medical expenses, is \$155 for any dependent child. A maximum of \$255 is paid for a dependent child and the person essential to the child's well-being. Up to \$65 may be paid for each additional dependent child in the family. Up to \$65 per month may be paid also if an incapacitated parent is living in the home. Recipients are eligible for Medicaid, social services, participation in a work-training program and payment of burial expenses.

Child Support Program. The purposes of the Indiana child support and parent locator program are to: (1) assure that each child for whom an AFDC grant is approved will receive a proper court order for support; (2) assure that any child born out of wedlock will gain an opportunity to have paternity established by law; (3) assure that court-ordered child support is promptly paid, including any arrearages which may have accrued.

The department works with county prosecutors and county clerks to get the support payments. Collections are made through the Child Support Division following assignment of child support rights to the State Welfare Department by the responsible adult in the home. The funds are used to repay the

county, state and federal governments for their shares of the cost of AFDC grants. When the collection, coupled with other income available to the children, is sufficiently large to meet a family's budgeted needs, the family is removed from the AFDC rolls.

A parent must assign the support payments, and cooperate in establishing paternity and locating the absent parent, as a condition of AFDC eligibility. For a reasonable fee the State Welfare Department's child support service, including its nationally affiliated parent locator-child support program, is available to non-AFDC families which voluntarily apply. Referrals are handled by the county welfare departments. The administrative cost is funded 75 percent by federal funds and 25 percent by state funds.

Assistance to Residents in County Homes. Provides state assistance for eligible aged, blind and disabled residents of county homes. It pays up to \$300 a month for residential care, \$28.50 a month for personal needs, and burial expenses.

Room and Board Assistance. Provides state funded assistance for eligible aged, blind, and disabled residents of licensed residential facilities. Administered by county departments under the supervision of the state department, the RBA program pays a maximum of 55 percent of the average daily rate of reimbursement paid by Medicaid to intermediate care facilities for room and board; \$28.50 a month for personal needs; medical care, and burial expenses.

Eye Treatment. Provides eye care (and general medical care if called for by diagnosis) to eligible Indiana residents who need help to restore their vision or prevent loss of vision. The state makes direct payment to providers who furnish care and treatment.

Medicaid. Under Title XIX of the Social Security Act, Medicaid has been available since 1970 to all persons eligible to receive AFDC and RBA assistance and to other eligible dependent children, pregnant women, and aged, blind and disabled persons.

Early and Periodic Screening, Diagnosis and Treatment. This is a mandatory preventive health program to determine the health problems of Medicaid recipients under the age of 21 and provide care, treatment, and corrective measures.

Family Planning Services. Available upon request to Medicaid-eligible persons of child-bearing age are: counseling; the services of a physician, clinic, or family planning agency as necessary to prescribe appropriate contraceptives and give instructions for their use; and the furnishing of contraceptives and supplies. Sterilization is provided under conditions of proper request, consent and medical procedure, as arranged between recipient and physician. Abortions are not furnished as a part of family planning services.

Child Welfare Services. Provides a major program of home-based social services, foster care, investigation of child abuse and neglect, and the licensing of child-caring facilities. The program seeks to help maintain and strengthen family life or, when this is not possible, to secure appropriate out-of-home care for the child under court order. If the child and parents cannot be reunited, adoption services may be offered.

Adoption of "hard to place" children who are disadvantaged because of ethnic background, race, age or language; physical, mental or medical handicaps; or because they are members of a sibling group which should be placed together, may be facilitated

by the federally-funded Adoption Assistance Program or by a county-funded, court-ordered adoption subsidy, as provided by Indiana statute.

An adoption resource exchange also is operated by the State Department of Public Welfare. County departments and licensed child-placing agencies may register children who are available for adoption and persons who wish to accept children for adoption.

Services for Crippled Children. Provides for the rehabilitation of children who are totally or partially incapacitated because of a congenital physical defect or acquired disability. To qualify for such services the recipient must be less than 21 years of age, must be living within the state, and the parents must be unable to pay for necessary treatment.

Food Stamp Program. This program is administered under the provisions of the Federal Food Stamp Act of 1964 and the official regulations of the U.S. Department of Agriculture. It is designed to increase the food purchasing power of public assistance recipients, the unemployed and under-employed, and low-income households.

Under the provisions of the Food Stamp Act of 1977, eligible households are provided, without cost, a prorated amount of food stamps, depending upon the size and net monthly allowable income of the household. The cost of food stamps is funded by the Food and Nutrition Services, U.S. Department of Agriculture.

Advocacy Services Agency

The Indiana Advocacy Services Agency was established in 1977 as the Indiana Protection and Advocacy Service Commission for the Developmentally Disabled to protect the legal and human rights of those so disadvantaged. It was expanded in 1984 to include similar services for persons seeking or receiving help under the Rehabilitation Act. In 1986, the program was again expanded to give protection and advocacy to mentally ill inmates or residents of institutions rendering care or treatment.

Specific services include information and referral, counseling, negotiation on their behalf, representation in appeal processes, legal consultation and, when necessary, legal representation. Other services include workshop training in advocacy techniques and relevant laws for the disabled, their families, volunteers, service providers, public officials and others.

The agency, which is supported by federal funds and is headed by an executive director, hires an attorney and has some 20 employees. Its board, the Protection and Advocacy Service Commission, is composed of 13 members appointed by the governor. One represents each major developmental disability such as autism, epilepsy or mental retardation, and others are persons "who have evidenced concern, expertise and experience." Two legislators serve in advisory capacities, one named from the Senate by the president pro tem and one named from the House by the speaker.

The commission receives advice on mental health advocacy from a 10-member Mental Illness Advisory Board appointed by the governor.

Committee for the Purchase of Products and Services of the Severely Handicapped

This seven-member committee was created by 1976 legislation to enhance employment opportunities for severely handi-

capped persons. It encourages state agencies and units of local government to purchase products made by such persons employed by not-for-profit agencies. The nonrecompensed committee is composed of the commissioner of the Department of Administration, the executive secretary of the Commission for the Handicapped, the commissioner of the Department of Mental Health, and three members at large appointed by the governor.

The committee establishes the prices for all products and services provided by the severely handicapped and offered for sale to state agencies and units of local government, and distributes to all purchasing officers a list of products and services available. The committee is directed to discourage unnecessary duplication or competition between facilities.

Department of Employment and Training Services

On July 1, 1987, the Indiana Office of Occupational Development and the Indiana Employment Security Division were merged as directed by the 1987 General Assembly. The merger was carried out to consolidate three functions: the state's unemployment compensation program, its job training programs, and its job placement and employment-related programs. The new agency, called the Department of Employment and Training Services, is headed by an executive director appointed by the governor and employs 1,600 persons.

The Unemployment Compensation Board, which replaces the Employment Security Board, oversees and sets policy for the UC program. It is composed of nine members appointed by the governor; two represent large employers, two represent independent merchants and small employers, four represent labor and its interests and one represents the public at large. Board members receive \$100 monthly as an expense allowance.

The Indiana Job Training Coordinating Council serves in an advisory capacity as a policy-forming group to assist the job service and job training programs, replacing the Indiana Employment Service Advisory Council. This group is composed of representatives of local government, service deliverers, organized labor, those being assisted and the general public, all of whom serve without compensation.

The Department of Employment and Training Services places jobless people in suitable employment and trains and retrain workers for new and existing jobs. It carries out these activities through public employment offices statewide, serving employers and job applicants in all occupational fields and skill levels. It provides information on the labor market, manpower supply, hours and earnings, labor turnover, and economic trends.

The department pays unemployment compensation benefits to those who are jobless through no fault of their own if they cannot be placed immediately in other employment. The maximum weekly benefit is \$161 for a claimant with four dependents. In descending order, the benefits are \$147 with three dependents, \$129 with two, \$113 with one and \$96 for a claimant with no dependents. Benefits are limited to 26 weeks; with the support of federal funds, benefits can be given for 13 or more additional weeks in periods of economic downturn.

To fund the payment of unemployment compensation benefits, employers of one or more persons (minimum payroll, \$1,500 per quarter) pay a special tax to the state. New employers pay 2.7 percent of the first \$7,000 of each employee's wages for at least 36 months. Subsequent rates range from 0.3 percent to 5.4 percent (calendar years 1987 and 1988); the level at which a particular employer pays is based on the employer's relative stability of employment (amount of job turnover). An additional

0.8 percent of payroll tax goes to the federal government, of which approximately half is returned to Indiana to fund the program's administrative expenses. (This declines to 0.6 percent in January, 1988.)

The unemployment compensation program covers most private employers including nonprofit organizations, all state offices and institutions, political subdivisions in Indiana and certain employers of agricultural and domestic workers.

Department of Natural Resources

The Department of Natural Resources has a wide range of responsibilities, as described below in the listing of its many divisions. It oversees various forms of conservation and manages the state's mineral and wildlife programs, flood control and water resources, recreational areas and historical landmarks. It has a director appointed by the governor, three deputy directors and a full-time staff of 1,510.

The department functions under the Natural Resources Commission which is made up of 12 members, five appointed by the governor and seven ex officio — the chief engineer of the Department of Highways, the technical secretary of the Stream Pollution Control Board, the director of the Department of Commerce or designee, the director of the Department of Natural Resources, the chairman of the Advisory Council on Land, Forest and Wildlife Resources, the chairman of the Advisory Council on Water and Mineral Resources, and the president of the Indiana Academy of Science or designee.

The department has jurisdiction over all public and private waters in the state as well as adjoining lands necessary for flood control purposes. All works of any flood control nature must be approved by the Natural Resources Commission. It has certain regulatory functions, including approval of construction in the floodways of rivers and streams; inspection and enforcement of maintenance and repair of dams, levees, dikes, and floodwalls; approval of work to alter shoreline or beds of public fresh water lakes; review of plans for reconstruction or construction of drainage ditches, and removal of minerals and withdrawal of water from navigable waters.

To decrease flood damage, the Flood Plain Management Act authorizes the Natural Resources Commission to provide assistance for local zoning and management of lands which are subject to periodic flooding.

The department maintains a natural, scenic and recreational river system. It administers the federal Land and Water Conservation Fund program which provides funds for state properties and to local park boards. It develops and oversees Indiana's comprehensive Outdoor Recreation Plan, implements Indiana's Rivers Preservation Act and establishes recreational trails for hiking, bicycling, backpacking and snowmobiling. The department also publishes and sells Indiana canoeing, hiking, golf and bicycling guidebooks.

The department's Indiana Natural Heritage Program serves as an information base and inventory of the state's unique natural features. Its information is useful in the environmental review process, thereby avoiding costly conflicts. The department also administers the Indiana Natural Heritage Protection Campaign to complete, maintain and manage the nature preserve system.

The department is composed of two bureaus, the Bureau of Land, Forest and Wildlife Resources and the Bureau of Water and Mineral Resources. Each has a council of 12 members appointed by the governor to offer advice on policy and administration of programs and facilities. The first-mentioned bureau consists primarily of 10 land-holding divisions:

Entomology. Works to conserve plant growth by preventing or controlling infestations of plant-destroying organisms such as insects and diseases.

Fish and Wildlife. Seeks to protect and manage fish and wildlife within the state, both nongame and sport or game species. It regulates hunting, fishing and related outdoor recreation and provides fish and wildlife habitat improvement and protection through programs devoted to propagation, management and research.

Forestry. Oversees more than 142,500 acres in the state forest system. It manages 13 state forests, two state nurseries and three state recreation areas. It provides timber management on nearly 4 million acres of private and public forest land in Indiana. Its multiple-use management technique encompasses timber production, outdoor recreation, wildlife habitat management, scenic area preservation, watershed protection and fire control.

Historic Preservation and Archaeology. Works to preserve Indiana's historical, architectural and archaeological sites. It conducts surveys, lists properties on state and national registers of Historic preservation, reviews proposed state and federally-funded construction and provides technical assistance to property owners.

Nature Preserves. Acquires and manages a statewide system of nature preserves which, as of December 1986, numbered 96 and protected 11,724 acres.

Outdoor Recreation. Duties of this division include recreation planning, scenic river preservation, trail development, administration of the federal Land and Water Conservation Fund and coordination of the department's environmental review program.

Reclamation. Can grant, revoke or release permits for the surface mining of coal, clay and shale. Indiana has regulated the reclamation of mined lands through a permit system since 1941. Its surface mining law, which conforms to the federal standards of the Surface Mining Control and Reclamation Act of 1977, imposes a fee on Indiana coal operators. The department uses Indiana's 50 percent share of these funds to reclaim mine lands that were abandoned prior to 1977 without reclamation. Indiana's surface mining law applies to clay and shale operations and to the extraction of coal which is incidental to the extraction of other minerals.

Reservoir Management. Operates nine reservoir properties that cover 114,384 acres, including 35,206 acres of water. Eight were constructed by the U.S. Army Corps of Engineers and leased to the state; the ninth is a project of the Department of Natural Resources. The reservoirs are multi-purpose, providing both general recreation and public hunting areas.

State Museum and Historical Sites. Manages the State Museum in Indianapolis and 17 other state historic sites and collects, preserves and interprets items relating to Indiana's rich heritage.

State Parks. Maintains and operates 19 state parks. They offer a wide variety of recreational facilities and activities, including a comprehensive cultural arts program and naturalist service, to the visiting public.

The Bureau of Water and Mineral Resources is charged with management of mineral, soil and water resources. It has four divisions.

Geological Survey. Carries out research and inventories Indiana's coal and industrial mineral resources, provides information on oil and gas wells and publishes geologic maps. The value of minerals produced in Indiana exceeds \$1 billion annually.

Oil and Gas. Protects the waters and lands against pollution and the loss or impairment of natural resources. It controls the plugging of abandoned oil and gas wells that are leaking and the drilling of test holes.

Soils. This division's program for control and prevention of soil erosion includes cooperation with the 92 county soil and water conservation districts and the U.S. Conservation Service. Its "T by 2000" project has a goal of reducing soil loss to a tolerable level by the year 2000.

Water. Works for wise use and management of Indiana's water resources through planning and regulation.

The Department of Natural Resources also includes an administrative agency comprising eight additional divisions concerning engineering, land acquisition, public information and education, information systems, purchasing, safety and aviation, personnel, and law enforcement. Conservation officers in the last-named division register and title motorboats; regulate operation of motorboats, snowmobiles and off-road vehicles; provide instruction in hunter safety, principles of conservation and sportsmanship, and boating and snowmobile operation, and administer the Turn-in-the-Poacher program that protects Indiana's wildlife.

Department of Financial Institutions

This department administers the Indiana Financial Institutions Act and companion laws regulating the operations of Indiana-chartered banks, building and loan associations, consumer finance companies, credit unions, currency exchanges and similar financial institutions. It administers the business of purchasing retail installment sales contracts; the Uniform Consumer Credit Code; the regulation and licensing of budget service companies, and the supervision and regulation of rent to own businesses.

The Department of Financial Institutions is headed by a salaried board of seven members appointed by the governor, not more than four of whom may be of the same political party. The term is for four years.

The agency is administered by a director appointed by the governor and employs approximately 100 persons. It is self-supporting, using income derived from the supervisory, examination and licensing fees assessed to the financial institutions under its jurisdiction.

Insurance Department

The Department of Insurance enforces statutes and regulations applicable to the operation of insurance companies and the issuance of insurance policies, the handling of complaints and the dissemination of public insurance information. The department, which is headed by a commissioner appointed by the governor, employs 94 persons.

An insurance carrier must meet the standards prescribed by law in order to be licensed and continue operations in Indiana. The Insurance Department collects the state-required premium taxes and fees paid by insurance companies.

The department licenses resident and nonresident insurance agents and administers laws governing the licensing and regulation of third-party insurance administrators, health maintenance organizations and insurance holding companies.

Bail Bonds and Surplus Lines Division. Licenses bail bondsmen and enforces the bail bond law. It also licenses surplus lines insurance agents for out-of-the-ordinary coverage.

Mine Subsidence Insurance Fund. The department administers this fund which, through reinsurance, enables property owners in coal-bearing areas to obtain commercial insurance against damage caused by subsidence of underground coal mines.

Patients Compensation Division. Keeps records associated with the Medical Malpractice Act of 1975. It maintains certificates of insurance on, and collects the applicable surcharge from, all health care providers who qualify under the Act and tracks the progress of all claims of medical malpractice.

Political Subdivision Risk Management Fund. In 1986 the General Assembly created the Indiana Political Subdivision Risk Management Commission and named the insurance commissioner as chairman. With assistance from an outside contractor, the commissioner administers the Risk Management Fund as a pooled risk-sharing program that allows the political subdivisions taking part to have liability insurance protection.

Board of Accounts

The Board of Accounts prescribes systems of accounting and reporting by public officers within Indiana and prescribes forms for various documents in public offices. In an annual conference the board instructs county auditors, county treasurers and county clerks in the keeping of their records, and may call conferences of other public officials. It annually conducts a training institute for clerk-treasurers and may conduct one for city clerks, either statewide or by districts.

The board's primary function is to audit or examine the accounts and records of all state and local departments, institutions, offices, or other agencies — including nonprofit agencies — which handle public funds. Shortages of funds, if not satisfactorily adjusted, are referred to the attorney general and county prosecutors for legal action.

All elected state and local officials and department heads must report annually to the board the names, salaries and duties of their employees. All counties, cities and towns of 20,000 or more population must file an annual operation report on their highway and street departments. Annual fiscal reports of local governmental units also are filed with this office. Each year the agency compiles and publishes a roster of state and local officials.

The board is headed by the state examiner, assisted by two deputy state examiners of opposite political parties — all appointed by the governor. Not more than half of the staff or field examiners may be of any one party. The department employs 334 persons, including 17 field supervisors.

Department of Labor

The Department of Labor is composed of five major bureaus

or divisions of which one, the Indiana Occupational Safety and Health Administration (IOSHA), has five sections of its own. The department is headed by a commissioner appointed by the governor and has a staff of 160 employees.

Administration of IOSHA is a major responsibility of the department. IOSHA is closely associated with the federal Occupational Safety and Health Act. Related to IOSHA, but independent of its jurisdiction, are the Occupational Safety Standards Commission and the Board of Safety Review.

Within IOSHA are the Bureau of Building and Factory Safety Compliance, which inspects workplaces to help prevent or reduce work-related deaths and injuries; the Bureau of Construction Safety Compliance, which carries out the same inspection function at construction sites; the Bureau of Public Employee Safety Compliance, which seeks safety compliance within political subdivisions; the Bureau of Industrial Hygiene Compliance, which conducts worksite investigations in industries judged to offer high health hazards, and the Bureau of Safety Education and Training, which conducts on-site consultations at a company's request to help achieve voluntary compliance with IOSHA standards and presents safety training for employers, employees and safety personnel throughout the state.

Occupational Safety Standards Commission. This nine-member commission is appointed by the governor. Three members represent principal industries in the state (one being agriculture); three represent labor (with no more than one from an international union); three represent the public and are to be experienced in occupational health and safety.

The major functions of the commission are to adopt safety standards for the prevention of work-related accidents and to rule on requests for variances. Federal OSHA standards must be adopted, and nationally recognized standards may be adopted by reference.

Board of Safety Review. This board consists of five members appointed by the governor. Two must represent employers; two must be affiliated with labor organizations (not more than one from the same international union); the remaining member, who serves as chairman, is selected from the highest membership classification of the American Society of Safety Engineers. The board's responsibility is to conduct hearings on appeals from safety orders and on orders not complied with in order to assure compliance.

Bureau of Child Labor. Enforces the child labor laws of Indiana which apply to gainfully employed minors ages 14-17, excepting those employed as actors or performers. It responds to complaints of violations, makes on-the-spot investigations and holds seminars for employers, schools and other interested parties.

Division of Employment Standards. Administers the following statutes: Indiana minimum wage law, wage payment statutes, age discrimination act and the procedures for the prevailing wage law. In addition, it promotes voluntary arbitration, mediation and conciliation of disputes between employers and employees in order to avoid strikes, lockouts, boycotting, blacklists, discrimination and legal proceedings.

Bureau of Industrial Hygiene. Enforces health-related IOSHA standards for public employees in the private sector, and reduces occupationally-related hazards at construction sites.

Bureau of Mines and Mining. The Bureau of Mines and Mining is headed by the State Board of Mines and Mine Safety,

which consists of five members appointed by the governor for four-year terms and the chief mine inspector, who serves as secretary. The members serve without compensation but are entitled to expenses incurred while on duty. Mine operators and miners must be represented equally on the board; one member is to have no affiliation with coal mines in the State of Indiana.

The board administers laws concerning coal mines; promotes mine technical efficiency and safety; supervises the mine inspection service; examines and certifies mine foremen, fire bosses, shot firers, hoisting engineers, electricians and belt examiners and maintains a mine rescue station having three full teams and two auxiliary men. All personnel of the bureau are on call 24 hours a day in case of mine disaster.

Bureau of Research and Statistics. Provides technical support to department data processing and research applications and compiles and publishes data on injuries and illnesses occurring in Indiana workplaces. Division personnel train record keepers throughout the state, distribute OSHA forms and are available for seminars on injury and illness statistics.

Industrial Board

The Industrial Board administers the laws concerning workmen's compensation and occupational diseases. Almost all employers in the state must provide coverage for their employees under these laws.

The board consists of seven members appointed by the governor for four-year terms on a staggered basis. The chairman of the board serves as the administrator of the agency, and the staff numbers 29 persons.

Under the workmen's compensation and occupational diseases laws administered by the Industrial Board, covered employees are insured against occupational injuries or death sustained in the course of their employment and against occupational diseases contracted as a result of their employment. Full medical coverage and weekly benefits are provided while an employee is off work. In addition, a cash settlement may be paid to compensate an employee for impairment of a part of the body.

The board also administers the Violent Crimes Victims Compensation Division. This division handles the funding and payment of recompense to innocent victims for their losses owing to violent crime. Funds to support such payments are secured from court costs and assessments paid in criminal cases tried throughout the state.

Employees Appeals Commission

This five-member nonpartisan agency, members of which are appointed by the governor, is charged with hearing appeals from merit system workers whose employment circumstances have been altered or who, after following the specified procedure for resolving complaints, are unsatisfied with their conditions of employment. If the commission's recommendation is not agreeable to the employee, the employee may submit the complaint to arbitration or judicial review; the findings and recommendation are binding on both parties and are to be immediately instituted by the commission.

Civil Rights Commission

The Civil Rights Commission administers state laws designed

to prevent discrimination in employment, education, housing, credit and access to public accommodation by reason of race, sex, religion, color, national origin or ancestry, or handicap. The governor appoints a seven-member supervisory commission and the chief administrative officer. The commission appoints the other 35 members of the staff, who are merit service employees.

The commission has extensive powers to investigate charges of discriminatory practices, report on such investigations, create advisory agencies, and discourage discriminatory practices by use of conciliation and persuasion. Formal complaints of violation must be filed in writing under oath by the aggrieved, or by the director or deputy director in behalf of others, before the commission can hold a hearing on the alleged act of discrimination. The commission can issue cease-and-desist orders and orders for affirmative action, subject to judicial review and court enforcement.

Local units of government may establish local civil rights commissions with power to achieve state public policy within their areas of jurisdiction. A complaint can be filed with the state or with a local commission, but not with both. However, either agency can transfer a case to the other if it has jurisdiction.

Utility Regulatory Commission

The Utility Regulatory Commission was known as the Public Service Commission until its name was changed by legislative action in 1987. The commission is charged with regulating the rates charged and services provided by public utilities and public transportation agencies in Indiana. Its authority includes limited jurisdiction over the rates and issuance of securities of municipally owned utilities.

The commission consists of five members appointed by the governor for staggered, four-year terms; at least one must be an attorney. The governor is aided by a legislative nominating committee in making appointments to the URC. He designates one member as chairman, and no more than a majority of one may be of the same political party. Commissioners are required to devote full time to their duties and are prohibited from outside activities that would constitute a conflict of interest or interfere with the carrying out of their duties. They are prohibited from having a financial interest in any business subject to URC regulation, and are subject to laws and codes requiring strict ethical behavior.

The commission has a double responsibility as an impartial, fact-finding body. It is directed to: 1) prevent utility rates from becoming unreasonably high or discriminatory, and 2) allow utilities to charge rates that will cover their operating expenses and capital costs and enable their shareholders to recover a reasonable return on their investment.

The commission regulates the rates charged by electric, steam, water, gas, telephone and rural sewage disposal utilities and certain intrastate for-hire motor vehicles; regulates the intrastate transportation of natural gas and of related pipeline facilities and operations, and issues permits for the operation of motor vehicles for hire.

The URC has authority to investigate public utility rates and/or practices upon complaint from ratepayers. Its decisions are subject to judicial review by the Indiana Court of Appeals.

The commission's staff of 125 employees includes specialists in fields which the URC exercises jurisdiction. One commissioner must be present at every rate proceeding in which the request is for \$2.5 million or more. The legislature in 1985, in light of rapid changes and growing competition in telecommunications, allowed the commission to decline to exercise its jurisdiction

over certain telephone services.

The commission has a number of departments. These include engineering, accounting, economics and finance, transportation and consumer affairs. The transportation department receives applications from, issues permits to, and maintains tariff files for motor carriers seeking intrastate operating authority. The consumer department receives, investigates and seeks to resolve complaints from consumers regarding utility services and billing practices.

Utility Consumer Counselor

The office of Utility Consumer Counselor is an agency that is separate and distinct from the Indiana Utility Regulatory Commission. It represents Indiana utility consumers in rate cases before the URC, the federal Energy Regulatory Commission, the federal Communications Commission and courts and legislative bodies affecting utilities operating in Indiana. These duties also include regular audits of electric and gas utilities, investigation of service problems, analysis of major construction projects and review of utility financing activities.

The office is directed by the consumer counselor who is appointed by the governor for a term of four years. The staff of 31 includes a deputy consumer counselor for federal affairs, a deputy consumer counselor for state affairs, trial attorneys, accountants, engineers and utility analysts. The office is supported by an 11-member advisory council appointed by the governor to provide public input for policy decisions.

Code Revision Commission

The Code Revision Commission assists the Legislative Council in several areas: supervising the compilation, computerization, indexing and printing of the Indiana Code and Indiana Administrative Code; developing standards for codification and revision of statutes to make them clear, concise and easy to interpret and apply; developing and revising standards, techniques, format and numbering system to be used in drafting rules for promulgation and for use when preparing legislation to be considered by the Indiana General Assembly; and other related tasks.

Budget Agency

The State Budget Agency prepares the state's biennial budget for presentation to the governor and then to the General Assembly and administers the budget after it has been approved by the legislature.

The governor appoints the budget director and two deputy budget directors who must be from opposite political parties. The agency has a staff of 33 persons.

A State Budget Committee of five members, with four alternate members (voting privileges in absence of member), assists in the preparation of the state budget and advises regarding its administration. This liaison committee is composed of the budget director; two members of the Senate appointed by the president pro tempore, one of whom is nominated by the minority floor leader; and two members of the House of Representatives appointed by the speaker, one being nominated by the minority floor leader. (The four alternates are selected in the same manner.)

The Budget Agency is the watchdog over state financial affairs. It receives in advance of legislative sessions the appropriation requests of heads of state offices, departments and other

agencies and may revise such requests before submitting them to the governor for his transmission to the legislature. It must estimate anticipated receipts of state revenue for the biennium and make recommendations in regard to the raising of revenues by the state. Between legislative sessions it assists the governor in fixing state salary schedules and taking action on various other expenditures of state funds.

The Budget Agency receives from each state agency quarterly an allotment request showing estimated expenditures for that quarter, and approves or modifies the request. It transmits the allotment records to the state auditor, who records the amounts allotted and limits expenditures accordingly.

Federal Aid Management Division. According to the statute creating this division within the State Budget Agency, it was the legislative intent that "the State of Indiana participate in federal aid programs to the extent that it is in the state's interest to so participate." The Federal Aid Management Division was established so the governor and the General Assembly might make informed decisions about federal aid programs and administer them effectively. To carry out such a purpose, the division evaluates the federal aid programs and reviews environmental requirements to facilitate the state's participation.

Transportation Coordinating Board

The General Assembly in 1980 reorganized the various state functions relating to transportation. The legislature created a Transportation Coordinating Board, staffed by a Transportation Planning Office, as the oversight body for transportation policy and regulation. It abolished five separate commissions, a board, a department and several advisory groups and gave the Transportation Coordinating Board the authority for all their functions.

The board consists of seven members appointed by the governor and serving at his pleasure — a chairman, the directors of the Department of Highways and the Department of Transportation, and four citizen members who are uncompensated but receive per diem and travel expenses while active on board affairs. The board develops and updates state transportation policies and plans, coordinates the planning and programs of the two departments, reviews federal transportation grant applications and advises the governor and legislature. It maintains a small staff within the Transportation Planning Office, which is headed by a director appointed by the board with the approval of the governor. Following are descriptions of the two departments.

Department of Highways

The Department of Highways is responsible for the design, construction, maintenance and operation of the state highway system. The department is headed by a director, appointed by the governor, who is assisted by a number of deputy directors and a chief engineer. It is organized into five offices: administration, operations, development, engineering and management services, and toll facilities. As of June, 1987 the Department of Highways was authorized 6,041 full-time positions. Of these, 550 were dedicated to the office of toll facilities, including 509 for toll roads and 41 for toll bridges.

Highways. The state highway system includes 10,174 miles of non-interstate highways, 1,118 miles of interstate highways and 5,285 bridges. There are 8,900 railroad grade crossings, 16

weight stations and 34 rest areas.

The state is divided into six highway districts containing 37 sub-districts. Each has a staff responsible for highway construction, maintenance, traffic, development and testing. Where city streets are part of the state highway system, these responsibilities are carried out by the state highway district in which they are located.

Traffic Safety. The Department of Highways prepares the State Highway Safety Plan which qualifies Indiana for federal funding from the National Highway Traffic Safety Administration, and works with state and local agencies in developing traffic safety programs. Federal funds must be matched on a 75 percent federal, 25 percent state or local basis. Each year, 40 percent of the federal funds made available to Indiana must be applied to local projects.

Toll Facilities. The Department of Highways in 1981 assumed the responsibility for operating the Indiana Toll Road and the state's toll bridges. In 1983 the General Assembly created the Toll Finance Authority and transferred responsibility for the toll facilities to that authority. The department operates the toll facilities through an agreement with the Toll Finance Authority.

One toll bridge crosses the Ohio River at Mauckport and one at Cannelton. The state's third toll bridge crosses the Wabash at Mount Vernon. The Toll Finance Authority can continue to charge tolls on the Mount Vernon Bridge after all costs are met to fund a new bridge over the Ohio to be based in Posey County. The Cannelton bridge toll is reduced to 25 cents per car on Jan. 1, 1988 until a maintenance agreement is reached with Kentucky to eliminate the toll entirely. An agreement is to be negotiated with Kentucky also for upkeep of the Mauckport bridge; until 1992, the toll charge on that bridge will be unchanged. The Toll Finance Authority is empowered to continue charging tolls on any new bridge after all costs have been met, with the revenue to go into the state highway fund. The Department of Highways is authorized to name existing roads as tollway projects or toll roads. Counties also are empowered to create their own toll roads.

Highway Funding. The major source of funding for highway construction and maintenance is the gasoline tax. In 1985, the Indiana General Assembly enacted a comprehensive highway financing package which increased funding levels for local road and street programs and replaced some state highway funds that had previously come from the state's general fund. The tax rate on gasoline is 14 cents per gallon. Diesel fuel is 15 cents per gallon (paid at the pump), with an additional 8 cents per gallon surcharge assessed on trucking companies based on their Indiana mileage.

Additional highway funding is derived from vehicle registration fees, licenses and permits issued by the Bureau of Motor Vehicles and other sources.

Federal revenue is allocated to the states on a matching basis. The matching percentage is dependent upon the type of project undertaken, but averages about 20 percent state or local to 80 percent federal. Revenue accruing to Indiana from passage of the federal 1987 Surface Transportation Bill is expected to reflect an annual decrease of about \$26 million from the 1986 level.

Indiana is a pay-as-you-go state. Excepting the Indiana toll roads and bridges, no funding is derived from bond issuance; consequently, the highway system remains debt-free.

Some 40 percent of the highway revenue generated at the state level is directly distributed to cities, towns and counties from a portion of the gas tax and from the Motor Vehicle High-

way Account and Highway Road and Street Fund. Another 40 percent of state-generated user fees is distributed to the Department of Highways. The remaining 20 percent is used to pay one-half the cost of the State Police budget and the operational cost of the Bureau of Motor Vehicles.

Department of Transportation

The Department of Transportation is responsible for administration, coordination, planning and technical assistance for non-highway transportation activities under state jurisdiction. Department actions are grouped under three divisions: aeronautics, public transportation and railroads. The chief executive officer is the director who is appointed by the governor. The agency has a staff of 28 persons.

Aeronautics. This division, in working to further public interest, aeronautical progress and increased safety, requires airports to receive site approval and all public-use airports to meet prescribed minimum safety standards (they are inspected annually). The division monitors and issues permits for the erection of tall structures to insure there will be no restriction to an existing or proposed airport under federal air regulations. It provides engineering and technical assistance for local airport construction or operation and assists local airport boards in receiving federal assistance for aviation projects.

By operating its own aircraft, the division provides air transportation services to other state agencies. To assist pilots it publishes an aeronautical chart and other technical information. In addition, the division registers all aircraft based in Indiana and collects the appropriate taxes.

Public Transportation. This division administers state and federal public transportation assistance programs. It allocates state matching grants to units of local government with public transportation responsibilities. The matching grants are made from the Public Mass Transportation Fund, which receives its revenues from a percentage of the state sales and use tax. The division's technical assistance program helps local airport systems resolve management and operations problems.

Railroads. This division, which is the principal contributor to state rail transportation policy development, continuously updates the state rail plan. The division administers loans and grants used for the purchase and rehabilitation of rail lines and provides technical assistance to rail users. It also promotes public safety through its rail code enforcement section.

Board of Tax Commissioners

The duties of the State Board of Tax Commissioners include supervision and limited administration of the Indiana property tax system and review of local government budgets.

The board is composed of three members appointed by the governor, one of whom is designated chairman. Not more than two of its members may belong to the same political party. A staff of 85 persons works under the direction of the board.

Generally, the employees of the state tax board are appointed from among applicants who pass open, competitive examinations. No more than one-half of such staff members employed at any one time are to belong to one political party.

In addition to reviewing local government budgets and property tax levies, the state board has the final review on appeals by

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taxpayers from property assessments by local officials or county boards of review. The state board may make changes in the assessments under appeal.

Assessment of Property for Taxing Purposes. The state board supervises the general statewide assessment of real estate and business personal property (equipment and inventories of farmers, retailers and manufacturers). Local assessing officials make the actual assessments, but the state board is required to develop the assessing system, forms, standards, and regulations to govern the assessments and to conduct courses of instruction for local officials.

Personal property is assessed for taxing purposes annually. Real property (land and buildings) is reassessed throughout the entire state periodically, with the next reassessment effective for taxes payable in 1990. For purposes of this statewide reassessment, each county is required to maintain a fund to cover the costs of the assessment within the county.

The state board also fixes the assessed valuation of much of the property of public utilities, including telephone, electric, water, railroad, street car, bus, pipeline, truck, sleeping car, express bridge, tunnel, gas, steam and telegraph companies. This valuation is apportioned to each local unit in which a utility's property is located and taxes are collected locally. The state board assesses and taxes (at the state level) car equipment and commuter railroads having passenger cars that are powered by electricity. These are assessed on a mileage allocation and are subject to the average state rate. Proceeds are collected by the Indiana Department of Revenue and receipted into specified funds.

A 15-member advisory council assists the State Tax Board on policy matters and adoption of rules and regulations. Members of the council are appointed by the governor. One each represents industrial, commercial, agricultural and residential property; there are three township assessors, three township trustees who serve as assessors, and five county assessors.

Division of Tax Review. This division makes studies to improve property tax administration, provides rules for assessment of business personal property, reviews self-assessment business returns, holds hearings on audit appeals, reviews certain claims for property deduction or exemption, conducts studies of the property base and performs fiscal impact studies.

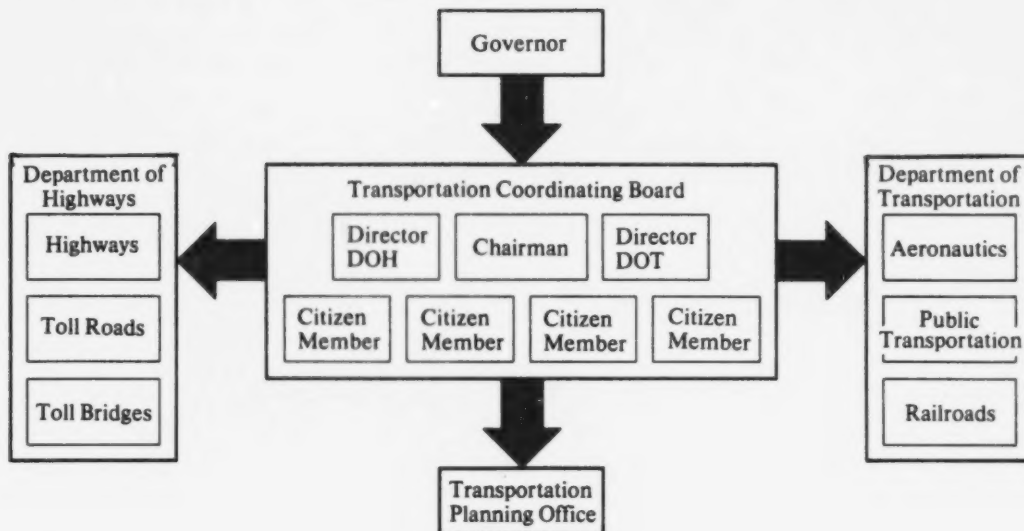
Review of Local Budgets. The state board reviews local governmental budgets and tax levies either on petition of 10 taxpayers or an affected taxing unit or automatically if total tax rates as approved by county boards of tax adjustment exceed limitations established by law.

The state board may affirm, increase on petition or decrease the appropriations and tax levies of municipal corporations after a public hearing in the affected county. (The action of the state board is final.) It also has authority to decide appeals concerning emergency appropriations made by local governmental units for which an annual budget already has been adopted, and over the issuance of bonds by local units.

The allowable annual levy percentage increases are based on average taxing unit growth in assessed valuation over a three-year period (none of which may be a year in which a general reassessment is effective). The annual levy increase may not be less than 5 percent nor more than 10 percent.

Two state-level advisory boards assist in the review of local budgets, as described below.

Local Government Tax Control Board. The board has jurisdiction over civil units of government. One of its seven mem-



bers is appointed by the State Board of Accounts, one by the State Tax Board, and five by the governor. Two legislators serve as ex officio members, one being appointed by the speaker of the House and the other by the president pro tem of the Senate.

The Local Government Tax Control Board reviews budgets of civil units seeking to exceed the legal spending and tax limitations. The control board can recommend that a local unit be granted a loan or be permitted to use a greater portion of local income tax revenues for spending needs. In addition, it can recommend that a local unit be permitted to exceed its levy limitations to meet certain specified costs.

School Property Tax Control Board. This board hears appeals from local school corporations for emergency financial assistance. It is composed of five members — one appointed by the State Board of Accounts, one by the State Tax Board and three by the governor. Two legislators serve as ex officio members, one being appointed by the speaker of the House and the other by the president pro tem of the Senate.

The School Property Tax Control Board can recommend that a local school be given a state grant, a loan, or permission to use cumulative building fund or construction fund monies. It can recommend, subject to a voter referendum, that the school corporation be allowed to increase its property tax levy above normal limits. In addition, it can recommend an increase in the property tax levy to meet expenses caused by new facilities. Any school corporation receiving emergency financial assistance would need the approval of the School Control Board and the State Tax Board for major purchases or construction programs.

Assessor-Appraiser Examination and Certification. A committee of six members is appointed by the chairman of the State Board of Tax Commissioners to help prepare two annual examinations for assessor-appraisers. The examinations cover real estate appraising, accounting and property tax law. Each person who successfully performs an examination is certified as an assessor-appraiser, either at level one (minimum knowledge needed for effective performance as a county or township assessor) or level two (having substantial knowledge), depending on the examination taken. Anyone wishing to perform as a professional appraiser for property tax purposes must be certified at level two.

Personnel Department

The State Personnel Department, established in 1981, administers personnel policies and procedures for all state employees and governing agencies excepting the legislative and judicial branches, the universities, elected officials and state police. A director appointed by the governor is responsible for administering the staff of 90.

Within the department is the State Personnel Advisory Board. It consists of the personnel director and six citizen members, of whom no more than four are of the same political party, appointed by the governor for a term of four years. The department has eight divisions which are described below.

Projects and Policy. Develops software to increase departmental productivity as well as special projects and training programs for state employees.

Insurance. Operates life, health and dental insurance programs for all state employees.

Classification. Formulates and carries out classes of pay plans for state employees.

Applicant Services. Develops examinations for employment and promotion, evaluates applications for classifications within the merit system, and monitors the statewide performance appraisal system.

Employee Data and Compensation. Keeps payroll files and records of state personnel.

Employee Relations. Enforces personnel policies and administers the grievance procedure for merit employees.

Affirmative Action Office. Administers the state affirmative action plan. The governor appoints an eight-member Affirmative Action Advisory Committee to assist the affirmative action officer who heads the division.

Non-Merit Personnel Office. Processes applications for em-

ployment and promotion and develops policies, rules and regulations for the non-merit system.

Education Employment Relations Board

The Indiana Education Employment Relations Board administers the law recognizing the right of teachers to organize and bargain collectively. (Teachers are the only public employees in Indiana who have statutory collective bargaining rights.) The three-member bipartisan board, appointed by the governor for four-year staggered terms, consists of a full-time chairman and two part-time members. The chairman is prohibited from being an officer or employee of any school employee organization or from representing a school employer or employee organization.

The board has a staff of six attorneys working full time as hearing examiners, mediators and fact-finders and 35 persons serving part time in this capacity. The board adopts rules and regulations for unit determination, unfair labor practice processing, conciliation and mediation, fact-finding and research. It is granted broad powers to carry out its functions, including issuing subpoenas and conducting hearings, investigations and elections.

Department of Mental Health

The Indiana Department of Mental Health administers a statewide system of care for persons who are mentally ill, developmentally disabled or addicted to alcohol or other drugs. The agency is managed by a mental health commissioner who is appointed by the governor and advised by a 12-member board.

At one time almost all public mental health services were provided in state facilities. Today the large state institutions are only one component of an expanding system that utilizes smaller, community-based facilities. During the last year, some 7,000 persons were served at the large institutions while 173,000 received services, including detoxification and outpatient counseling, at more than 150 community agencies.

Most such agencies are governed by local boards of directors and funded by a variety of sources. The Department of Mental Health supports them with state and federal funds and sets standards for the kinds and quality of services available.

Indiana's 30 community mental health centers offer residential, inpatient and outpatient services, and community education; they assist the chronically mentally ill and emotionally disturbed youth. Services to developmentally disabled citizens, including infant stimulation, preschool, vocational and residential services, are provided by 66 community agencies. Caseworkers offer diagnosis and evaluation, placement, training, residential, and follow-along services.

More than 100 community agencies provide substance abusers with services such as counseling, alternative sentencing, intensive inpatient programs and prevention programs.

The state supports seven hospitals to serve the severely mentally ill; all are accredited by the Joint Commission on Accreditation of Hospitals. They are:

Central State Hospital	Indianapolis
Evansville State Hospital	Evansville
Logansport State Hospital	Logansport
Madison State Hospital	Madison
Richmond State Hospital	Richmond
Larue D. Carter Memorial Hospital	Indianapolis
Evansville Psychiatric Children's Center	Evansville

For the developmentally disabled:

Fort Wayne State Developmental Center	Fort Wayne
Muscatatuck State Developmental Center	Butler
New Castle State Developmental Center	New Castle
Northern Indiana State Developmental Center	South Bend

Divisions operating under the Department of Mental Health include: addiction services, community mental health services, developmental disabilities services, residential services, quality assurance and technical services, and special programs services. Three councils also play a major role in the provision of long-range planning for mental health care.

Governor's Planning Council on Developmental Disabilities. Is charged with developing a statewide plan for developmental disability services.

Addiction Services Advisory Council. Is responsible for distributing state and federal funds to addiction programs and has prepared a state plan for addiction services. The mental health commissioner serves as the chairman of this council. Other members include legislators from both parties, a judge, a representative of a provider agency and a consumer of addiction services.

Community Residential Facilities Council. Is charged with licensing and regulating small residential facilities for the mentally ill and the developmentally disabled. Members include representatives from the Department of Mental Health, the Department of Public Welfare, the State Fire Marshal's office and the Board of Health. Two citizen appointees, two executives of provider agencies and two individuals with expertise about the affected populations also serve on this 11-member council.

Board of Health

The State Board of Health administers the general health laws of the state and many local health activities. Its general policies are developed by a State Board of Health consisting of nine members appointed by the governor for overlapping terms of four years. The commissioner, a licensed physician appointed by the governor, is the administrative head of the agency and secretary of the board. The agency's functions are broad and varied and are carried out by a staff of 875.

To protect the health and lives of Indiana's citizens, the agency:

- Inspects and regulates various facilities, including: hospitals; nursing homes; home health agencies; dairy farms; milk haulers; meat and poultry slaughtering and processing plants; food manufacturers; drug and cosmetic manufacturers; mattress and bedding wholesalers; weighing and measuring devices; mobile home parks; motels; swimming pools, and X-ray machines.
- Carries out health promotion and educational activities.
- Works to prevent and control chronic, communicable and sexually-transmitted diseases.
- Produces public health research programs and statistics to assess statewide health needs, develop a state health plan and maintain databases related to births, deaths, marriages and the incidence of various diseases.

- Administers federally-funded programs to provide services such as maternal and child care and women-infants-children supplemental nutrition.

- Provides technical assistance to local health departments and administers the local health maintenance fund of nearly \$2.5 million per year.

These and other activities are carried out in the following agency divisions: handicapped services; dairy products; drug control; retail and manufactured foods; meat and poultry; weights and measures; dental health; nutrition; maternal and child health; chronic and communicable disease control; local health program development; local health standards and evaluation; sanitary engineering; environmental laboratories; industrial hygiene; radiological health; medical laboratories; laboratory support; management information services; human resources; finance; internal support services; health facilities; acute care services; child care; public health research; public health statistics; health planning; health education, and media and publications.

Renal Disease. An 11-member Renal Disease Advisory Committee appointed by the state health commissioner consults with the board on prevention and treatment of chronic renal disease.

Sickle Cell Anemia. With the advice of the state health commissioner, the governor appoints an 11-member Sickle Cell Anemia Advisory Committee to consult with the board on prevention and treatment of sickle cell anemia.

Hemophilia. A seven-member Hemophilia Advisory Committee advises the State Board of Health on the care and treatment of hemophiliacs who cannot pay the entire cost of their medical care.

Special Institutions. The state health commissioner exercises administrative control over the following state institutions:

School for the Deaf	Indianapolis
School for the Blind	Indianapolis
Silvercrest Children's	
Development Center	New Albany
Soldiers' and Sailors'	
Children's Home	Knightstown
Indiana Veterans' Home	Lafayette

Each of the institutions has a superintendent appointed by the state health commissioner, subject to the approval of the governor. The governor appoints a six-member advisory committee for each of the institutions.

Commission for the Handicapped. Within the State Board of Health there is a Commission for the Handicapped composed of 23 members appointed by the governor — 13 recommended by state departments and professional organizations concerned with the development of comprehensive rehabilitation programs for the handicapped of the state; one each representing labor, management and a university or college department of education, two persons having an interest in the problems of the handicapped; two legislators; the chairman of the Indiana Commission for the Prevention of Handicapping Conditions, and two consumers. The commission promotes and coordinates programs for the treatment and rehabilitation of the handicapped, and serves as their advocate.

Health Facilities Council

The Indiana Health Facilities Council acts as an advisory and coordinating body to the State Board of Health. Facilities within the council's jurisdiction include nursing homes, homes for the aged, retirement homes, convalescent homes, homes for the chronically ill and sanitariums. The council's 13 members are appointed by the governor, as follows: a physician; two licensed administrators from proprietary health facilities; a licensed administrator from a nonproprietary health facility; a registered nurse; three citizens, one having knowledge and experience in the field of gerontology, one in the field of mental health, and one representing a statewide senior citizen's organization; a representative of a licensed home health agency, and three others — the state health commissioner or designee, the executive director of the Indiana Department on Aging and Community Services and the administrator of the State Department of Public Welfare.

The State Board of Health is empowered to issue, deny, renew, reduce or revoke licenses to health facilities and to adopt rules for safety, health and sanitation and proper medical staffing and services. The council recommends and enforces rules for licensing of health facilities, classifies the facilities as to the type of care furnished, and provides for appropriate inspection. The rules pertain to health and sanitation, fire and safety, qualifications of applicants for licenses, and the operation, maintenance and construction of the facilities to be licensed.

Hospital Regulatory and Licensing Council

The Indiana Hospital Regulatory and Licensing Council is composed of eight members, one each from the medical and nursing professions, the State Board of Health and the Department of Public Welfare, and four persons in hospital administration, each appointed by the governor for four years. Hospitals and ambulatory outpatient surgical centers must be licensed annually upon recommendation of the council. The licensure program is administered by the State Board of Health.

Department of Environmental Management

This department, established as a result of General Assembly action in 1985, administers the Environmental Management Act and other state environmental statutes previously carried out by the Indiana State Board of Health. It cooperates with the U.S. Environmental Protection Agency and is responsible for implementing state programs concerning water and air pollution control, solid waste management, and low-level radioactive waste.

The department contains the following offices: air pollution control, water pollution control, solid waste and hazardous waste management, and environmental response and administration. The department also has offices for public communication, technical assistance for small business and local government compliance requirements, civil and criminal investigations, hearing officers and laboratory services. The agency employs some 500 staff members.

The commissioner is appointed by the governor and also serves as technical secretary to the Air Pollution Control Board, Solid Waste Management Board and Water Pollution Control Board. The commissioner has the authority to issue permits, licenses, orders and variances as authorized by statute.

Three boards promulgate rules, develop operating policies and hear administrative appeals to decisions made by the Department of Environmental Management. These boards are the Air Pollution Control Board, the Solid Waste Management Board, and the Water Pollution Control Board. Each has nine members and is composed of the secretary of the State Board of Health, the lieutenant governor and the director of the Department of Natural Resources (or their designees) and six persons appointed by the governor, including a physician and persons representing agriculture, business and industry, environmental interests, labor and local government. No more than three appointees may be from the same political party.

Air Pollution Control Board. Regulates emissions of air pollutants.

Solid Waste Management Board. Regulates the storage, treatment, disposal and transportation of solid and hazardous waste.

Water Pollution Control Board. Formerly known as the Stream Pollution Control Board; controls and prevents pollution of Indiana waters.

Environmental Policy Commission

This commission was created by the Indiana General Assembly in 1985 to provide ongoing evaluation of Indiana's environmental program. It makes reports and legislative recommendations for the governor, the commissioner of the Department of Environmental Management and the General Assembly.

The commission is composed of 12 members. The speaker of the House and the president pro tempore of the Senate each appoint four legislators, not more than two from the same political party, and the governor appoints four members representing environmental and economic interests, not more than two from the same political party.

Hazardous Waste Facility Site Approval Authority

The Indiana Hazardous Waste Facility Site Approval Authority provides for public participation in the hazardous waste facility siting process; ensures that the impacts of hazardous waste facilities on communities are weighed against the public need for such facilities, and seeks safe alternatives to permanent burial of hazardous wastes, or reduction of the volume of hazardous wastes which must be permanently entombed. This authority, whose decisions pre-empt any local zoning law or ordinance, issues or denies a certificate of environmental compatibility after holding a public hearing where a facility is to be located.

The authority is composed of nine members. Five are appointed by the governor to serve four-year terms on a statewide basis and four are appointed by local officials case by case to serve relating to a particular application. The statewide members must include representatives from business and industry, labor, agriculture, hydro-geology and science.

An executive council adopts rules, hires a director and staff, establishes a fee schedule for reviewing applications, and appoints consultants to assist the authority in reviewing applications for certificates of environmental compatibility. The council is composed of the five statewide authority members and two additional members appointed by the governor, representing local government.

Pesticide Review Board

The Pesticide Review Board helps the state chemist administer the pesticide control law. It classifies pesticides according to use and lists "restricted use pesticides" and "pesticides for use by prescription only." It establishes rules and regulations for the safe handling, transportation, storage, distribution and disposal of pesticides and restricts or prohibits the use of certain types of containers or packages for specific pesticides.

Ex officio members of the board are the state toxicologist and the state veterinarian. The remaining voting members, appointed by the governor, consist of one representative each of the State Board of Health, the Department of Natural Resources, the Purdue University Agricultural Experiment Station and the Indiana Cooperative Extension Service, two ecologists with earned doctorate degrees and one "public representative."

Four additional members serve in a non-voting, advisory capacity. These members, also appointed by the governor, consist of one representative of the pesticide industry, one representative of producers of agricultural crops on which pesticides are applied or which may be affected by the application of pesticides, and two public representatives from conservation organizations.

Department of Human Services

The Indiana Department of Human Services was established by the Indiana General Assembly in 1987. Consolidated into one new department were three agencies: Indiana Department on Aging and Community Services (created in 1982), Indiana Rehabilitation Services (established in 1971) and the Indiana State Housing Board (begun in 1937 but inactive until 1976). The department that absorbed the responsibilities of these three now-extinct agencies is headed by a commissioner appointed by the governor.

The new department represents a comprehensive state approach to solving the problems of, and offering services to, those among the elderly and the disabled who are in need of help, and also those of low income in similar circumstance. The combination of three agencies in one department is intended to reduce the costs of administration. The department has 1230 employees statewide who work in one of four divisions:

Aging Services: Offers aid to the elderly in many areas including employment, income maintenance, health and physical care, housing, transportation, recreation, homemaking, counseling, legal assistance, meals (both congregate and home-delivered) and protective services. It conducts educational programs throughout the state and administers programs funded through the Older Americans Act and the Older Hoosiers Act. It has 16 area agencies on aging which it provides with technical assistance. It also administers programs on adult protective services, Alzheimer's disease and related senile dementia, and community or home care for the aged in contrast to institutional care. The Division of Aging Services is assisted by a 16-member advisory board.

Community Services. Administers the community services block grant, the low income home energy assistance block grant (Project SAFE), the Department of Energy weatherization program, the Department of Agriculture surplus commodity distribution program and the coordination of services to migrant farmers. The division also administers the Section 8 existing housing rehabilitation program established by the Housing

Assistance Act of 1937. The seven-member Commission on Housing serves as an advisory body for housing program services.

Social Services. Handles program and fiscal functions of the social services block grant. Division responsibilities include a federally funded domestic violence program and a federally funded dependent care grant. It administers certain child abuse and victim's assistance programs, as well as the school age child care fund (Latchkey) for the Interdepartmental Board for the Coordination of Human Service Programs. Social Services Division programs include day care, family planning, in-home services, mental health programs and services and various services administered by the Department of Public Welfare, the Department of Correction and the State Board of Health.

Rehabilitation Services. Through its three offices serves the disabled citizens of Indiana. Its vocational rehabilitation office provides employment opportunities and rehabilitation services such as counseling, mental or physical restoration and diagnostic and evaluative services and training. The office of services for the blind and visually impaired provides a variety of training and advocacy programs, including the blind vendor program. The disability determination office adjudicates claims for social security disability insurance and supplemental security benefits. A nine-member Commission on Rehabilitation Services serves as an advisory board for the Rehabilitation Services Division.

Interdepartmental Board for the Coordination of Human Service Programs

This board was created in 1977 to provide for coordination among the state agencies that provide social services. The board's functions include the provision of assistance to persons and families in need of services from one or more member agencies, and the monitoring of federal programs and proposals affecting the delivery of human services. The 10-member board is composed of the chief administrative officers of the Department of Mental Health, State Board of Health, Department of Public Welfare, Department of Human Services, Department of Education, Department of Employment and Training Services, State Budget Agency, two citizen members and an executive assistant to the governor, who serves as chairman.

The 1980 session of the General Assembly created a Domestic Violence Prevention and Treatment Fund and Council attached to the Interdepartmental Board. The program provides assistance to shelters serving abused spouses.

Department of Revenue

The Department of Revenue collects most state and local taxes. It collects the state individual income, hazardous waste land disposal, corporate income, alcoholic beverage, retail sales, motor fuel, inheritance, intangibles, petroleum severance and cigarette taxes as well as various local taxes for counties, including food and beverage, admissions, county sales, innkeepers', economic development income, local option income and auto rental excise taxes. It also administers the bank and trust companies intangibles law, the building and loan associations intangibles law, the oil inspection law and the employment agency act.

The department, which is headed by a commissioner appointed by the governor, employs 909 full-time persons and adds

from 50 to 150 temporary employees when necessary. It engages in tax research and is required to publish each year a report showing the amount of taxes collected, delinquencies, number of taxpayers, and administrative costs of the tax laws it administers.

Division of Audit. Employees are chosen after competitive examinations, with no more than half from the same political party. With 12 audit districts and a senior field auditor section, the division's responsibilities include the annual audit of a sampling of all taxes administered by the Department of Revenue in order to detect errors in taxpayer returns and prevent tax evasion.

Individual Income Tax. The Department of Revenue administers the individual adjusted gross income tax, which became effective July 1, 1963. A tax rate of 2 percent was effective until 1980, when the rate was reduced to 1.9 percent. The rate was increased to 3 percent on Jan. 1, 1983 and increased to 3.4 percent effective July 1, 1987. Individuals are taxed on their adjusted gross income as that term is defined in the Internal Revenue Code, so that individuals are not entitled to any personal deductions but only to business expense deductions. Taxpayers and dependents receive a \$1000 deduction and an additional deduction if over age 65 or blind.

Local Option Individual Income Tax. Indiana has two local income taxes. The county adjusted gross income tax (CAGIT) became effective on July 1, 1973. It is based on adjusted gross income similar to the state individual income tax and accordingly, is also administered by the Department of Revenue. Imposed by county councils at the rates of either 1/2 percent, 3/4 percent, or 1 percent, the tax is withheld from employees' salaries along with the state tax and is collected for the counties by the Department of Revenue. By passing an ordinance prior to April 1 of any year, a county council can impose the local income tax to be effective on July 1 of the same year. The tax is collected from residents of a county adopting the tax at the rate adopted by the county council. Non-residents who are employed in an adopting county pay a maximum rate of 1/2 percent.

A county option income tax (COIT) was authorized by the legislature in 1984. It may be imposed by a "vote" of the governing bodies of the civil units within the county. The initial rate is 0.2 percent and may be increased in 0.1 percent increments to a maximum of 1 percent. All revenues from COIT may be budgeted and spent by the recipient unit.

Corporate Income Taxes. The department administers Indiana's three different corporate income taxes. One is the corporate gross income tax (a gross receipts tax), which is imposed at dual rates: The high rate applies to receipts from rentals, intangible income and services; the low rate applies to receipts from retail and wholesale sales. A phaseout program which had been decreasing the dual rates was halted as of Jan. 1, 1987. The tax now stands at a high rate of 1.2 percent and a low rate of 0.3 percent.

The second tax is the corporate adjusted gross income tax, essentially a tax on net income at the rate of 3 percent; it became effective Jan. 1, 1973. An Indiana corporation must compute both the corporate gross income tax and the corporate adjusted gross income tax and pay the higher of the two taxes.

The third tax is the corporate supplemental net income tax, based on the corporation's adjusted gross income minus the state income tax liability resulting from the imposition of either the corporate adjusted gross or the gross income tax, whichever is greater. The corporate supplemental net income tax was im-

posed at the rate of 2 percent in 1973. It was increased to 2½ percent in 1975, to 3 percent in 1977, to 4 percent in 1982 and to 4.5 percent for tax years beginning after Dec. 31, 1986.

Beginning with 1984, a new class of small business corporations was created. A corporation meeting the qualifications of a federal S corporation but filing as a C corporation receives an exemption from the gross income tax while paying the adjusted gross income tax and supplemental net income tax.

Retail Sales Tax. The Indiana sales and use tax was imposed in 1963 at the rate of 2 percent. The rate was increased to 4 percent in 1973, and to 5 percent in 1983.

The sales tax is collected on sales of tangible personal property at retail, sales of public utility services, sales of lodging regularly rented for periods of less than 30 days, and the charge for cable television service. The use tax is imposed on the use, storage or other consumption of personal property purchased at retail on which the Indiana sales tax was not imposed, such as a purchase in another state.

Prescription drugs, artificial limbs, orthopedic devices, hearing aids, dental prosthetic devices, eyeglasses and food are exempted from the Indiana sales tax. The exemption of food is essentially limited to groceries and does not extend to restaurant meals, prepared meals to be consumed either on or off the premises of the merchant, or to food sold through vending machines or by street vendors. The Indiana sales tax law also provides that only 65 percent of the sale price of mobile homes is taxable and exempts items purchased for pollution control and items consumed in, or directly used in, the manufacturing process. Admission tickets and items purchased with food stamps also are exempt.

Alcoholic Beverage Tax. Effective Oct. 1, 1973, the Department of Revenue assumed the responsibility for collecting the alcoholic beverage tax, the use of excise tax stamps was eliminated and a new system for reporting the tax was established. The rate of the tax is as follows: liquor—\$2.68 per gallon; beer—11 1/2 cents per gallon; wine—47 cents per gallon. A collection discount is provided equal to 1½ percent of total taxes due.

Petroleum Severance Tax. The department administers a state severance tax of 1 percent of the value of all crude petroleum extracted in Indiana. Revenue from this tax is used by the Department of Natural Resources for specified purposes.

Intangibles Tax. The state levies a general intangibles tax, a bank tax and a savings and loan association tax. These tax laws, generally speaking, impose a tax of 15 cents on each \$100 value of intangibles as of 1987. The intangibles tax will be decreased each year until it is phased out in 1996.

Inheritance Tax. The department administers the state inheritance tax law and has jurisdiction over the fixing of values of estates subject to inheritance taxes with the assistance of the county assessor, who also serves as inheritance tax appraiser.

Motor Fuel Tax. Indiana levies an excise tax of 14 cents per gallon on gasoline. The tax is 15 cents on diesel fuel, with an additional surcharge of 8 cents which is earmarked for the maintenance and construction of state highways, county roads and city streets. Fuel excise taxes are collected by the Revenue Department and subsequently distributed by the auditor of state. Holders of an aviation dealer's license or marina dealer's license can be exempted if the fuel is used for specific purposes. A fuel tax refund is available if the fuel is used in taxicabs, local transit system buses, farm vehicles, or for any commercial off-highway

purpose. In addition, a motor carrier fuel tax is applied to bus and trucking firms. The tax is figured against logged miles of travel through the state of Indiana. This tax is intended to assure that users of Indiana's highways support them.

Oil Inspection Fee. The department collects an oil inspection fee of .0008 cents per gallon and maintains a laboratory where samples collected at refineries, bulk plants, pipelines, terminals, and service stations are tested to protect the public against marketing of inferior petroleum products.

Cigarette Tax. A tax of 15.5 cents per package of 20 is levied on cigarettes sold within the state. The revenue is allocated among four funds in the following manner: state's general fund, 7 cents; cigarette tax fund, 3.5 cents; mental health centers fund, .5 cent; and pension relief fund, 4.5 cents.

The revenue going into the state's general fund is used for basic programs. The 3.5 cents allocated to the cigarette tax fund is divided: one-third to the Department of Natural Resources and two-thirds to cities and towns on a population basis. The .5 cent for the mental health centers fund goes to the Department of Mental Health. The 4.5-cent share is used for police and fire pension programs.

Tobacco Products Tax. A tobacco products tax, which became effective July 1, 1987 is imposed on any product made from tobacco other than cigarettes and snuff. The rate is 15 percent of the product's wholesale price. Revenue from this tax is deposited in the same manner as the cigarette tax.

Hazardous Waste Land Disposal Tax. The hazardous waste land disposal tax, effective in 1982 and increased in 1985, is imposed on operators of hazardous waste disposal facilities in Indiana. The tax, which was \$4.50 per ton in 1985 and \$5.50 per ton in 1986, is \$9.50 per ton in 1987, \$10.50 per ton in 1988 and \$11.50 per ton in 1989 and beyond. An operator disposing of hazardous waste by injection has a maximum liability of \$25,000 per year. Seventy-five percent of the revenue is deposited in the state hazardous waste emergency response trust fund and 25 percent goes to the county where the disposal facility is located.

Marine Fuel Tax. The Department of Revenue collects a marine fuel tax from all marinas and boat livers located on the public and private lakes of Indiana. It is imposed at the same rate as the gasoline excise tax. The revenue is dedicated to the Department of Natural Resources.

Contributions to Higher Education. Tax credits against the state adjusted gross income tax or the gross income tax owed are allowed for one-half of contributions to accredited institutions of higher education located within the state of Indiana, with certain limitations. For individual taxpayers the allowable credit may not exceed \$100 in the case of a single return or \$200 in the case of a joint return. For corporations the amount allowable for credit may not exceed 10 percent of adjusted gross income tax owed or \$1,000, whichever is less.

Unified Tax Credit for the Elderly. Special tax relief is available for persons over 65 to be taken as a tax credit. The amount of credit varies with income and filing status. To be eligible, persons must:

- (1) be 65 years of age as of Dec. 31 (disabled persons under 65 do not qualify);
- (2) have a federal adjusted gross income of less than \$10,000; and
- (3) have been an Indiana resident at least six months during the year.

Neighborhood Assistance Credit. Taxpayers may receive a credit of 50 percent, up to \$25,000, for financial assistance, instruction or technical advice to individuals or to community organizations in areas designated as economically disadvantaged by the director of the State Department of Commerce. Total credits may not exceed \$1 million in any state fiscal year.

Solar and Wind Energy Credit. A tax credit is available for most solar and wind energy heating, cooling or electrical supply systems. There is a maximum credit of \$10,000 for businesses and \$2,500 for individuals (figured at 25 percent of the cost). Components which would be needed regardless of the energy source utilized are not eligible. This credit expires Jan. 1, 1988.

Research Expense Credit. Corporate taxpayers entitled to a research credit under section 44F of the Internal Revenue Code are now entitled to an income tax credit for Indiana qualified research expense equal to 5 percent of qualified expenditures. This credit expires Jan. 1, 1988.

Teacher Summer Employment Credit. An employer of a teacher of mathematics or science is allowed a tax credit up to 50 percent of the salary paid or \$2,500, whichever is less. The aggregate annual credits for the program cannot exceed \$500,000.

Enterprise Zone Employment Credit. A taxpayer operating a business in an enterprise zone is entitled to a tax credit for increased employment within the business. The credit is the lesser of 10 percent of the increased employment expenditures or \$1,500 per qualified employee.

Enterprise Zone Loan Interest Credit. A taxpayer who makes a qualified loan to an entity that uses the proceeds to finance an improvement within an enterprise zone is entitled to a tax credit of 5 percent of the interest paid.

Enterprise Zone Investment Cost Credit. A taxpayer who buys stock in an enterprise zone business to enhance the business is entitled to a tax credit to a maximum of 35 percent of the investment.

Industrial Recovery Credit. A taxpayer can receive a tax credit for up to 25 percent of the rehabilitation costs for a plant located on an old industrial recovery site if the plant is at least 20 years old and has floor space amounting to at least 300,000 square feet.

Prison Investment Credit. Provides a tax credit to a taxpayer who enters into a hiring agreement with the Department of Correction. The credit is 50 percent of any investment in property plus 25 percent of the wages paid to inmates. The maximum annual credit per taxpayer is \$100,000.

Department of Correction

The programs of the Indiana Department of Correction are designed to achieve an effective correctional operation based on the Indiana Constitution mandate that "the penal code shall be founded on the principles of reformation, and not vindictive justice. There were nearly 14,000 adult and juvenile offenders confined or committed to some type of correctional facility institution or under parole supervision as of June 1, 1987.

The department operates eight adult institutions, three juvenile institutions, three youth work camps, two juvenile residential treatment facilities, seven work release centers, seven

district parole offices, and an administrative office located in Indianapolis. In addition, a new medium security adult institution and two work release centers are in planning and construction stages, and three private residential centers have contracted with the department to provide additional work release services.

Employment and education opportunities are available at each correctional institution to offset destructive idleness and impart marketable skills. Education opportunities include accredited high school and other classes and vocational instruction in such areas as auto body repair, auto mechanics, business occupations, carpentry, construction trades, diesel mechanics, drafting, dry cleaning, electronics, food service, furniture refinishing, health occupations, heating and refrigeration service, horticulture, machine trades, masonry trades, parts management, printing, small engine repair and welding.

The chief executive of the department is a commissioner who is appointed by the governor. The commissioner must be a degreed professional with at least five years of managerial experience.

Policy issues, departmental reorganization, and administrative rules considered for promulgation must be approved by the Board of Correction prior to implementation. The board consists of seven members appointed by the governor from among an attorney, social worker or sociologist, educator, psychologist or psychiatrist, a person knowledgeable in law enforcement and a person familiar with treatment of juveniles.

There are 5,500 employees in the department; it has a biennial budget of approximately \$292 million and a construction and maintenance budget of more than \$33 million. Operating as a division of the department is an industry and farm program which employs 1,200 offenders. The industry program provides offender employment within the major institutions and provides the department and other agencies with clothing and furniture. The farm program utilizes approximately 6,400 acres and provides a variety of food and dairy products to facilities and institutions of the department. Items from these programs are also for sale to the general public.

Available through the department are grants to sustain correction programs in communities that elect community corrections advisory boards and submit acceptable community plans. The 1987-89 biennium has \$7 million available for this program. The department also contracts with various county jails to house misdemeanor offenders to alleviate overcrowding in state penal facilities.

Indiana Parole Board. The Indiana Parole Board has exclusive power to parole adult offenders sentenced under the indeterminate sentencing laws which were effective until October 1, 1977. Determinate sentencing laws now in effect exclude the Parole Board from offender release decisions.

The five-member parole board appointed by the governor also reviews all clemency petitions and makes recommendations to the governor concerning clemency matters. The parole board further conducts initial inquiries and investigations for persons requesting executive pardons from the governor.

Department of Administration

The Department of Administration, which provides the central services required by state agencies, is headed by a commissioner appointed by the governor. The commissioner directs a staff of more than 500.

The department consists of the following divisions: procurement, general services, property management, public works and information services. These divisions provide centralized

services such as telecommunications, data processing, mailing and printing. They operate a statewide motor pool and stationery store and manage a state and federal surplus property program. The department maintains state buildings and properties, designs and constructs new structures, and purchases the supplies, materials, equipment and services used by state agencies and institutions.

A deputy commissioner within the department works with the Governor's Commission on Minority Business Development to foster increased participation by minority firms in state government procurement programs. The commission's 14 members are drawn from government agencies, the legislature and the private sector minority business community.

State Data Processing Oversight Commission

Established by legislation in 1977 which terminated the Department of Data Processing, this four-member body coordinates the operation of various data processing systems within the administrative branch of state government. Approval from this commission must be received for all requests and contracts for data processing consultants and contractors, facilities management contractors, and computer equipment or software rental, lease or acquisition, and for all requests for sharing of computer data or systems. This commission is composed of the director of the State Budget Agency, the commissioner of the Department of Administration, a member of the governor's staff appointed by the governor and a member of the auditor's staff appointed by the auditor.

Public Employees' Retirement Fund

The Public Employees' Retirement Fund (PERF) has been in existence since 1945 as the generally applicable retirement plan covering state and local government employees. PERF is headed by a board of trustees consisting of five members appointed by the governor, one of whom must be a member of the fund with at least 10 years of creditable service. Not more than three of the trustees may be of the same political party.

The executive officer of the fund is a secretary who is appointed by the board, with the approval of the governor. There is a staff of 48 persons. As of June, 1987, PERF covered some 150,000 state workers who are employees of more than 900 units of local government. (Local unit participation is optional.) Separate accounts are kept, for example, for the conservation and excise pension plan, the judges' retirement system and the police and firefighters' retirement fund. (Two major state retirement funds, those for teachers and for state police, are not administered by PERF.)

In all of the accounts handled by PERF, including the main trust fund, payments are made by the employer for the employee's pension. With the exception of the police and fire systems, the state and each participating local governmental employer provide for the retiring employee (age 65 with 10 or more years of service, or age 50 with 15 or more years of service) a pension based on his or her five-year average salary and the total number of years served. The formula is 1.1 percent of average salary times the number of years of service. In addition, each employee contributes 3 percent of salary per year to a savings account which purchases a supplementary benefit.

Employees must serve at least five years, be fully disabled for six months or more and qualify for social security disability to be eligible for disability benefits.

The 1977 police and fire fund is a multi-employer plan. Creditable service is portable between employers. The plan calls for retirement eligibility after 20 years, with benefit payments beginning at age 55, as well as disability survivor and death benefits. The benefits are computed based on 50 percent of the salary of a first-class patrolman or firefighter, plus all longevity the city may provide to a maximum of 20 years, plus a 2 percent increment for each year served past 20 to a maximum of 74 percent. The contribution level for the employee is 6 percent of salary. Employer contribution is 21 percent.

The 1977 General Assembly began providing pension relief payments to cities with old police and fire pension funds. A portion of the cigarette and alcohol taxes is dedicated to this purpose. PERF collects the data necessary to make a distribution each year on the basis of the number of retired members receiving benefits and the amount paid in the previous year.

Department of Commerce

Under the direction of the lieutenant governor, the Department of Commerce is responsible for Indiana's economic growth through development and expansion of business and industry, tourist attractions, the agricultural sector and international trade. In addition, the department carries out long-range planning of state economic needs, offers economic development assistance to local communities and makes financing information available for new and expanding businesses and industries. The lieutenant governor as executive director heads a staff numbering 177. He is assisted by two deputy directors.

Legislation enacted in 1979 gave statutory substance to the divisions of agriculture, energy, and the office of minority business enterprise. Structural changes in the department were made in 1981; it now has 11 divisions.

Administration. Monitors the community development block grant program through the audit process and provides the internal audit function for the Department of Commerce. It is responsible for physical operations and shipping and receiving, responds to requests for information about Indiana and schedules tours of Indiana's State House.

Agriculture. The lieutenant governor serves as the commissioner of agriculture. This division promotes the expansion and growth of Indiana agriculture and provides staff support and policy guidance to the commissioner. Programs include two funds, one for rural rehabilitation and one for rural development, agriculture export marketing promotion, agriculture energy conservation and farmer-to-consumer direct marketing.

Business Expansion. Serves existing industries operating in Indiana. Its functions include international trade promotion, government procurement assistance, regulatory ombudsman, minority and women's business development, and financial incentive assistance.

Business and Financial Services. Provides information concerning financial programs available for use by communities and companies locating or expanding in Indiana. The staff manages industrial training programs, industrial development grant and loan funds, and economic development funds. The division also provides staff support for the Indiana Employment Development Commission.

Communications and Promotions. Handles advertising and promotion activities, maintains a photo library, produces the de-

partment's brochures, travel/tourism booklets and other printed material, and arranges participation in industrial development trade shows.

Community Economic Development. Helps communities prepare for economic growth by providing field representatives, giving financial assistance to community-based organizations concerned with economic development, and implementing three programs: registered cities and towns, neighborhood assistance and the community development block grant.

Controller. Has responsibility for all fiscal matters.

Economic Analysis. Provides the other divisions with information and analysis and, when appropriate, policy recommendations; maintains local, state and national economic data, and is concerned with long-term economic development planning for the state.

Energy Policy. Promotes and encourages energy conservation and the increased utilization of Indiana's energy resources and provides advisory, technical, and informational energy conservation services to local governments, businesses, industries and the public. An integral part of this activity is the Indiana Energy Development Board, which provides financial assistance to energy projects.

Industrial Development. As the marketing arm of the state, this division solicits expansion of Indiana business and industry and seeks to bring new facilities to the state. It furnishes information on available industrial construction sites and buildings, as well as other relative data.

Tourism. Seeks to create jobs through promotion or construction of new tourism projects, creation of new community festivals and production of statewide promotional materials. It also administers a matching funds program for assisting local tourism promotion throughout the state and houses the office of the Indiana Film Commission. The commission, composed of 20 persons appointed by the governor, is chartered to work with the film industry and bring film producers to the state.

ECONOMIC DEVELOPMENT

Action to promote economic development in Indiana dates to 1965; the state's continuing effort to expand such activities to the present broad spectrum began in 1981. In this and two succeeding years, the General Assembly established a wide variety of programs as proposed by the administration to aid business and industry and create jobs. The new projects were aimed at the retention and expansion of existing companies; providing encouragement, assistance and funding for new enterprises, and showing firms outside the state the advantages of having plants and/or headquarters located in Indiana.

The legislation created a wide variety of special funds for economic development. Among these new financial resources: an industrial training program and industrial promotion matching program; a tourist information and promotion fund and a tourism marketing fund; a convention and visitor promotion program; industrial development grant and loan funds; a community development block grant; an economic development fund; a municipal industrial development fund; tax increment financing; a hazardous waste management fund; an industrial revenue bond program; research expense credit; an accelerated cost recovery system, and energy system tax credits.

Some of the many state economic development initiatives are given separate headings.

Economic Development Council. Established in 1985, the Indiana Economic Development Council is composed of public and private sector groups, including representatives from universities, labor, and the financial community. The council acts as a board of directors for the state's economic development program and serves as a permanent organization to assure implementation of the state plan by coordinating the activities of the various economic development organizations, reviewing their programs and making recommendations for change as needed.

Bond Bank. The Indiana Bond Bank was established as an arm of the state treasurer's office to act as a pooling mechanism for municipal and other public purpose bonds.

Coal Commission. The Indiana Coal Commission pursues the development of new markets for Indiana's high sulphur coal and new methods and technologies for making the widest possible use of such coal compatible with the goal of clean air. It is composed of 12 members representing state and local government, the legislature, organized labor, and the utility and coal industries, and has the lieutenant governor as its chairman.

Community Business Credit Corporation. Established by the General Assembly as a private corporation to provide risk-oriented secondary lending for Indiana's emerging businesses.

Corporation for Indiana's International Future. Created by legislative action, this private corporation's mission is to develop information about international trends, act as a clearinghouse for exchange of data within the state and with relevant outside organizations, and prepare a long-term strategic plan to coordinate Indiana's international programs.

Corporation for Innovation Development. The corporation was established in 1982 to make investment capital accessible to entrepreneurs. It has assembled a venture capital pool of \$10 million through the efforts of private Indiana shareholders. It invests in small, new, and emerging enterprises; provides equity and loan financing, and invests in small business investment companies (SBICs). The corporation is governed by a seven-member board composed of prominent Hoosier businessmen and has its own small staff.

Corporation for Science and Technology. This corporation, also with its own staff, was established in 1982 to foster the development of science and technology through the grant financing of research projects. It is governed by a 25-member board of directors representing the public, private and education sectors of Indiana's economy. It has developed a \$150 million research agenda for the next decade, focusing on basic and applied research programs in targeted technologies and a variety of supporting projects.

Employment Development Commission. The Indiana Employment Development Commission, operating under a seven-member board appointed by the governor, succeeded the Indiana Economic Development Authority established in 1965. It is empowered to issue loan guarantees for a variety of industrial development projects, up to 90 percent of the appraised value of real estate and equipment not to exceed \$2 million. These guarantees are backed by appropriations made to the loan and bond guaranty fund, which received a \$6 million appropriation for the 1987-89 biennium.

Allowable outstanding guarantees may not exceed eight times the amount of money in the loan and bond guaranty fund. However, an extended loan guarantee program assists relatively large employers. This program is backed by assets of the \$80 million public deposits insurance fund, which assesses a fee against each bank depository to insure the safety of state deposits in pri-

vate banks. Up to 75 percent may be used to back the extended loan guarantee program, which has a limit of \$8 million for any one guarantee.

The Employment Development Commission is authorized to issue working capital loan guarantees of up to \$600,000 on government procurement and export sales contracts, and issue industrial revenue bonds by purchasing a pool of industrial development loans. The commission also may guarantee industrial revenue bond financings of local government and of the commission itself. It is headed by the lieutenant governor and staffed by the Department of Commerce.

Enterprise Zone Program. This program, staffed by the Department of Commerce, is designed to spur the redevelopment of Indiana's depressed urban areas by providing exemption from various taxes and regulations to business, industry and individuals that locate within such a zone.

Industrial Development Fund. Created in 1965, the Industrial Development Fund makes loans to municipalities for construction of airports and airport facilities, for tourist attractions, extension of water and sewer lines, leasing or purchasing of property and other steps to aid in the growth of industry within the state.

Institute for Agriculture, Food and Nutrition. Established by the state as a not-for-profit corporation to promote agriculture and agri-business in Indiana and attract agri-business and related conventions and associations.

Institute for New Business Ventures. The institute was established in 1983 to provide training and technical expertise to entrepreneurs exploring new investment opportunities. It is a not-for-profit corporation with a nine-member board of directors appointed by the governor. Current projects include a seed capital network, an emerging business forum and an incubator center matching grant.

Labor and Management Council. The Indiana Labor and Management Council is a private, not-for-profit corporation established by the state to support productivity and quality improvements, work innovations and cooperative labor and management relations.

White River State Park Development Commission

Created by the General Assembly in 1979, this 10-member commission is responsible, with the Department of Natural Resources, for creating a state park along the White River in near-downtown Indianapolis. The commission and the park are financed by a combination of public funds and private funds, and the amusements area of the park is expected to be constructed by a private developer. Four major goals of the commission are: showcasing Indiana's progress and world leadership qualities, enhancing the role of Indianapolis as the state capital and a large urban area, providing for future recreational and cultural needs for Indiana citizens, and promoting Indiana's economic development.

Ethics Commission

The legislature in 1974 created a State Ethics and Conflicts of Interest Commission, now the State Ethics Commission, to adopt and regulate a code of ethics for the conduct of state business. The commission is made up of five persons appointed by

the governor, no more than three of whom may be of the same political party. No member may hold state office, be employed by the state, or be a registered lobbyist.

The commission receives and hears any complaints of alleged misconduct, breaches of privilege or violations of the code of ethics by any state officer or employee. It may compel attendance and testimony of witnesses and the production of pertinent information, and must make public any findings of ethics violations.

No state officer or state employee may solicit or accept any compensation other than that provided by law for the performance of duties, or accept compensation from any employment, transaction or investments resulting from information of a confidential nature. A written statement of economic interest must be supplied to the commission by all elected state officials, by candidates for those offices, and by chief executives of departments in the executive branch.

Any person who offers, promises, or gives any compensation to any state officer or employee to influence the officer's action, vote, opinion, or judgment on any matter, or any state officer or employee who solicits or accepts any such compensation shall, on conviction, be imprisoned from two to 14 years, and fined \$10,000.

State Library and Historical Board

The Library and Historical Board is charged with the management and control of the State Library and the Indiana Historical Bureau. The State Library is responsible for developing and providing library service to state government, its branches, its departments and its officials and employees; for providing to the individual citizens of the state those specialized library services not generally appropriate, economical or available in other libraries of the state; for encouraging and supporting the development of the library profession; for strengthening the services of publicly and privately supported special, school, academic and public libraries; for maintaining a complete collection of Indiana documents, and for establishing a state document depository system. The library has a staff of 87 persons. It is open to the public.

The Historical Bureau issues and distributes historical publications relating to Indiana, cooperates with local historical societies, sponsors the Junior Historical Society and the Indiana History Day educational programs for young people, and acts as custodian of the governors' portraits collection. The bureau is staffed by 11 persons.

The five members of the board are appointed by the governor for terms of four years, at least one member being appointed each year. The State Board of Education, the Indiana Library Association, the Indiana Historical Society and the Indiana Library Trustee Association each recommend one person out of five to be appointed. The governor selects the fifth. The board names the directors of the State Library and of the Indiana Historical Bureau. Employees are covered by the state merit law and the Indiana Library Certification Board Act.

Animal Health Board

The Indiana State Board of Animal Health establishes the methods by which infectious and contagious disease of livestock and poultry may be controlled within the state, and regulates the importation of such livestock and poultry so as to prevent the introduction of diseased animals. It licenses livestock dealers, rendering plants, garbage cookers, salebarns and concentra-

tion points in order to assist in the control of animal traffic, as well as control the use of biological products and pharmaceuticals for the treatment of animals. The control of diseases is further enhanced through close cooperation with the Animal Disease Diagnostic Laboratory at Purdue University.

The board is composed of 11 persons who are appointed by the governor for alternating terms. Three members must be veterinarians, five must be producers of livestock and poultry, one must be associated with a licensed livestock market, one representing small animals and one associated with the sheep and goat industry, and one a member of the school of veterinary medicine at Purdue University, *ex officio*. The board selects its own chairman.

The board employs the state veterinarian (with approval of the governor), who serves for a term of four years and is the secretary of the board as well as the chief administrative officer. The state veterinarian provides technical advice and assistance to the Board of Veterinary Medical examiners, which has the responsibility of fulfilling other duties imposed by the Veterinary Practice Act and surveillance of professional procedures.

Port Commission

The Indiana Port Commission maintains and operates Burns International Harbor on Lake Michigan and two ports on the Ohio River — Southwind Maritime Centre in Mt. Vernon and Clark Maritime Centre in Jeffersonville.

The Burns International Harbor facilities on Lake Michigan in Porter County became operational in 1970. There are 500 land acres, 250 water acres with 11 ship berths, two transit sheds, a refrigerated warehouse, and 20 acres of paved storage and dock aprons at Burns International Harbor. Annual tonnage increased steadily for many years, reaching 2 million tons in 1984 before declining to 1,283,607 tons in 1986. The Commission is authorized to obtain funds by issuance of revenue bonds payable solely from revenues of the port operation.

Funds in the amount of \$12,163,553 were budgeted for land acquisition and the construction of the public port at Mt. Vernon. The extensive area of the Southwind Maritime Centre includes 100 acres of port space and a 745-acre industrial park, several cargo piers, a number of barge moorings and facilities for storage and movement of grain and dry and liquid fertilizer. It has a railroad spur line and several connecting roads to interstate highway access.

The sum of \$4,750,000 was budgeted for land acquisition (initially 500 acres) and first-stage construction at Clark Maritime Centre, which was completed in the summer of 1984. Today, Clark Centre's 830-acre port boasts the best heavy-lift capabilities in the Midwest.

The bipartisan Indiana Port Commission originally was composed of five members; it has been increased to seven by the legislature. The members are salaried and appointed by the governor for overlapping terms of four years. The commission elects from its membership a chairman and vice chairman and appoints a secretary-treasurer.

Egg Board

The State Egg Board determines the standards of quality, weight, names, and grades of eggs produced in Indiana. It regulates the sale of eggs and issues permits for their sale, investigating all violations and reporting them for prosecution. The governor appoints the nine-member board: one from the State Poultry Association; one recommended by the Indiana

Farm Bureau; one recommended by the Indiana Retail Grocers' and Meat Dealers' Association; one recommended by the Indiana Retail Council; one representative from the food services industry; one recommended by the Indiana Poultry and Egg Improvement Association; one recommended by the trustees of Purdue University; one recommended by wholesalers participating in the Federal State Egg Grading Program in Indiana, and one at large. Members serve for three years with overlapping terms.

State Fair Board

The Indiana State Fair Board consists of the governor, the lieutenant governor (who is commissioner of agriculture by virtue of his office), the director of the Cooperative Extension Service of Purdue University and 16 members appointed by the governor. Of five who serve at his pleasure, representing various agricultural interests, no more than three may be of the same political party. For the additional 11 members, nominations are made by the agricultural and related interests within the 11 state fair agricultural districts into which the state is divided for this purpose, one from each district. However, the governor, according to a 1966 opinion of the attorney general, is not required to appoint the persons nominated. Members, except the *ex officio* members, are appointed for two-year terms and may not serve over four successive terms; thus, eight members are appointed annually.

The board appoints a secretary who serves as the manager of the Indiana State Fair.

Standardbred Board of Regulations

This bipartisan seven-member board was created by the 1973 General Assembly to further the standardbred horse industry in the state. The lieutenant governor is an *ex officio* voting member who is to serve as secretary. The law requires that a standardbred registry be established in the office of the lieutenant governor and that the records of the board be kept there. The remaining members are appointed by the governor. Two must be members of county fair boards and the other four must have shown an interest in the standardbred industry. After initial appointments, members serve staggered three-year terms.

The board has the power to conduct educational and informational programs that enhance the standardbred industry in the state and is authorized to cooperate with any state fair, county fair or 4-H fair that has a standardbred race program. Its other powers include accepting donations, grants and appropriations, disbursing money to supplement race purses and prescribing race programs and conditions.

Arts Commission

Among the purposes for which the Indiana Arts Commission was established are: encouraging throughout the state the study and presentation of the performing and fine arts; making surveys of public and private institutions engaged in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture and allied arts and crafts, and recommending methods to encourage participation in and appreciation of the arts to meet the needs of persons in all parts of the state; and taking the steps necessary "to encourage public interest in the cultural heritage of our state."

The commission consists of 15 members appointed by the governor. In making the appointments, the governor is directed to give representation to the various geographical areas of the state and to all fields of the performing and fine arts, selection to be made from those who have "competence, experience and interest in connection with the performing and fine arts."

To carry out its duties, the commission employs an executive director and a small staff of employees.

War Memorials Commission

The duties of the Indiana War Memorials Commission include the general control of the Soldiers' and Sailors' Monument; the preservation of all Indiana battle flags now in the custody of the state, and the collection of those not in the state's possession, and the management of the Indiana World War Memorial property. This property includes the World War Memorial Building, the War Memorial Plaza, the American Legion National Headquarters, and the headquarters of the Indiana Department of the American Legion.

The Indiana War Memorials Commission consists of 10 war veterans appointed by the governor — one from each congressional district. No more than six of these commissioners may be of the same political party. The members serve terms of three years each without pay, but receive necessary expenses. The commission is authorized to employ a secretary and other personnel to operate and maintain the properties over which it has supervision. The commission reports to the governor through the adjutant general and is under the adjutant general for administrative supervision.

New Harmony Commission

To preserve the religious, intellectual, and cultural heritage of the New Harmony area, the 1973 General Assembly passed legislation to create a second New Harmony Commission. (The original commission existed from 1939 to 1949.) This nine-member commission is appointed by the lieutenant governor who, with a representative from the Department of Natural Resources, serves as an ex officio member. Responsibilities of the commission include the promotion and enhancement of the area and serving as an advisory commission to Historic New Harmony Incorporated. The commission is authorized to receive gifts and donations.

Emergency Medical Services Commission

The Emergency Medical Services Commission was created by the 1974 General Assembly to establish, maintain and promote a statewide system of emergency medical services in cooperation with the other state agencies licensing persons in health care. The commission is to set standards and requirements for furnishing emergency medical services by persons not licensed or regulated by other appropriate agencies. The 15-member commission is made up of: representatives of a volunteer fire department which provides emergency ambulance service and a municipal fire or police department providing emergency ambulance service; a physician experienced in emergency service; a private ambulance provider; a certified paramedic; a hospital executive; a licensed registered nurse; a state law officer; a physician; an emergency medical service technician, and three persons not associated with emergency medical services. All com-

mission members are appointed by the governor, and no more than seven may be of the same political party. An advisory board is appointed by the commission for assistance in technical matters.

Medical and Nursing Grant Fund

A Medical-Distribution Loan Fund was created by the 1974 legislature to provide physicians for areas of Indiana needing more medical care. To encourage practice in these needy areas, its trustees were authorized to grant loans to medical students who agreed to repay their loans by practicing in areas which need doctors. In 1981 the legislature changed the name to the Medical and Nursing Distribution Loan Fund and directed that 35 percent of the fund be used for loans to nursing students. The repayment schedule is one year per \$5,000 of loan, with a minimum of two years of service, and the current title of the program is Indiana Medical and Nursing Grant Fund.

The board of trustees of the Medical and Nursing Grant Fund consists of 11 members: representatives of the dean of the Indiana University Medical School, the head of a nursing home, the state health commissioner, the chairman of the family practice program of the Indiana University Medical School, and seven members appointed by the governor from broad geographical and occupational backgrounds in Indiana.

Medical Education Board

The Medical Education Board consists of seven members. The dean of the Indiana University School of Medicine is an ex officio member and serves as chairman. Other members are the secretary of the State Board of Health and five persons appointed by the governor, one of whom must be a hospital director of medical education, one a hospital administrator, one a citizen who is neither a physician nor a hospital administrator, and two fully licensed physicians, of whom both must be specialists in family practice and neither may be a director of medical education.

The board establishes policies governing a state-wide plan for medical education that provides supplemental income for hospital interns and residents, a statewide telecommunications network, community clinical teaching and training programs through the Indiana University School of Medicine, formal teaching opportunities for intern and resident training and advanced medical education, funding of additional off-campus Indiana University medical faculty and directors of education, and the expansion of continuing medical education programs for interns and residents. The 1974 legislature provided for an additional program — that of the Statewide Family Practice Residency Fund.

Statewide Medical Education System

In 1971 the legislature established a statewide medical education system. The system has designated centers for comprehensive medical education in Gary, Fort Wayne, Lafayette, Evansville, South Bend, Terre Haute and Muncie, each to have a director appointed jointly by the dean of the Indiana University School of Medicine and the local cooperating institution and an advisory council appointed locally from the lay and professional communities. The administrator of the Indiana University School of Medicine is responsible for the orderly development

and expansion of a medical education program in each center, in cooperation with the director and staff of the participating institutions. Each center proposes a budget for review and approval by the dean of the IU School of Medicine, who is responsible for fiscal administration.

Endowment for Educational Excellence

The Indiana Endowment for Educational Excellence was established in 1985 to provide incentives for attracting and encouraging outstanding faculty at the university, elementary and secondary school levels in Indiana. The not-for-profit corporation is governed by an 11-member board that includes the commissioner of higher education, the superintendent of public instruction, the governor and lieutenant governor, and seven members at large from the public sector. The endowment will fund distinguished professorships to noted scholars at the state's public universities and will also establish fellowship grants for Indiana teachers and administrators and other initiatives for improving Indiana schools.

Indiana Higher Education Telecommunications System

The Indiana Higher Education Telecommunications System is governed by the board of trustees of Indiana University. The system disseminates a variety of educational programs to the state's main and regional campuses of higher education and centers of medical education and service via a closed-circuit system.

Commission for Proprietary Education

This commission was created to evaluate and accredit all private vocational, technical, trade and correspondence schools doing business in Indiana.

It is composed of seven members, consisting of the state superintendent of public instruction (or designate), the executive officer of the Commission for Higher Education (or designate), and five members appointed by the governor, including one person who has been engaged at least five years in an executive or managerial position with a school subject to the provisions of the act creating the commission, one person who has been engaged at least five years in administering or managing an industrial training program, and three representing the public at large. None of those appointed to represent the public at large may be an elected or appointed state or local official nor a member of a private or public school. Also, such appointees must not be "representatives of the types of private schools to be accredited." Not more than three of the governor's appointees may be from the same political party.

No private school may do business in the state without approval of the Commission for Proprietary Education. Each school applying for accreditation must bear the cost of evaluation. The commission may waive investigation of any school accredited by another state regulatory body whose standards equal or exceed those of the commission. Any person who violates the accreditation law or who, with intent to defraud, represents himself or herself to be an agent of a postsecondary proprietary institution is subject to criminal prosecution.

Commission for Higher Education

The Commission for Higher Education was established in 1971 to plan and coordinate Indiana's state-supported system of postsecondary education, taking into account the plans and interests of the state's independent colleges and universities. The commission has developed and biennially revises a long-range plan for higher education in Indiana.

It is required to define the educational missions of the public colleges and universities; review their budgets; approve the establishment of any new public campus or extension center; approve any new public degree program, review established degree programs and recommended a consolidated budget for public higher education.

The 12 members of the commission are appointed by the governor to staggered, four-year terms. Each congressional district must be represented. No member can be an official or an employee of the state nor of any political subdivision nor public postsecondary institution. The commission appoints an executive officer and the additional employees necessary to carry out its responsibilities.

State Educational Institutions

Indiana maintains seven institutions of higher education — Ball State University, Indiana University, Indiana State University, Indiana Vocational Technical College, Purdue University, Vincennes University, and the University of Southern Indiana.

Operations of the institutions are financed in part by direct appropriations of state funds, by fees collected from students, by grants and donations, and by various earnings of the institutions.

The institutions are governed by boards of trustees, whose powers and responsibilities include the selection of a president to serve as chief administrative officer, approval of other officers and faculty members, and establishment of entrance requirements for students, courses of study, fees, and supervision of institutional property.

Indiana University. Indiana University, founded in 1820, is the state's largest institution of higher education and operates from eight campuses around the state. The enrollment in the fall of 1986 was 75,073 with 32,417 at the campus in Bloomington. Enrollment at Indianapolis (IUPUI) is 23,468; there, IU joins with Purdue University in offering a wide range of programs, including the IU professional divisions of law, dentistry and medicine. The remainder of the enrollment is at Fort Wayne (another IU-Purdue partnership), Kokomo, Gary, South Bend, Richmond, and New Albany. In addition, the Indianapolis campus operates an extension at Columbus. The 845 degree programs offered on Indiana University campuses include 150 associate degree programs, 340 four-year programs leading to a baccalaureate degree, and 355 advanced degree programs through the doctoral level.

The Indiana University Medical Center is located in Indianapolis. It includes the Indiana University Hospital, Riley Memorial Children's Hospital, Wishard Memorial Hospital, Veterans' Administration Hospital and LaRue Carter Hospital.

Governing the university is a board of trustees consisting of nine members. The governor appoints five members and three members are selected by the university alumni, all serving terms of three years. The ninth member must be a full-time student of the university who is selected by the governor with the aid of a screening committee. The student member is appointed for a two-year term.

Purdue University. Purdue University, founded in 1869, is the Indiana link in the nation's chain of 68 land-grant colleges and universities. Purdue's statewide system enrolled 53,164 students in the fall of 1986. Of these, 32,984 were at the main campus in West Lafayette. Others were at regional campuses in Fort Wayne, Hammond, Indianapolis and Westville or in the University's Statewide Technology Program which offers courses at 12 locations around the state. The Fort Wayne and Indianapolis campuses are administered jointly by Purdue and Indiana Universities.

More than 75 percent of Purdue's students are from Indiana. Degrees, ranging from the two-year associate degree through the doctorate, are offered by the schools of agriculture; consumer and family sciences; engineering; health sciences; humanities; social science and education; management; nursing; pharmacy and pharmaceutical sciences; science; technology, and veterinary medicine.

The governor appoints the ten members of the board of trustees of Purdue University. Three are nominated by the alumni and six are appointed to represent specified groups. In selecting the remaining member, who must be a full-time student of Purdue University, the governor is aided by a screening committee. With the exception of the student member, who is appointed for a two-year term, members are appointed for overlapping terms of three years.

Ball State University. Ball State University, Muncie, was founded as a state institution in 1918. The university has six colleges in the fields of architecture and planning; business; fine arts; applied sciences and technology; sciences and humanities, and teaching. Academic work is offered in 50 departments and three schools — music, nursing and physical education. Ball State currently offers undergraduate majors in 230 different fields, 83 master's degree programs, 17 educational specialists and 23 doctoral degree programs. The university's enrollment in 1986 was 18,283 of whom more than 94 percent were residents of Indiana.

The University is governed by the Ball State University board of trustees, composed of nine members appointed by the governor. Two of the members must be alumni of the university. The remaining seven are appointed at large. Within the membership not more than six of the non-student members shall be of the same sex, at least one must reside in Delaware County and one must be a full-time student at the university. The student member is selected with the aid of a screening committee.

Indiana State University. Indiana State University, established by statute in 1865 and opened to its first students in 1870. The university enrolled approximately 11,208 students in the fall of 1986. A comprehensive institution, the university has five professional schools in the fields of business; education; health, physical education and recreation; nursing, and technology. It has a College of Arts and Sciences which includes departments in the humanities and fine arts, the social and behavioral sciences, and the mathematical and physical sciences. The university offers 153 undergraduate majors in 48 fields, seven master's degree programs in 56 different areas, the educational specialist degree in five areas, and two doctoral degree programs in seven areas.

The university is governed by the Indiana State University board of trustees composed of nine persons appointed by the governor. Two of the nine trustees of this bipartisan board are nominated by the Alumni Council, and one must be a full-time student of the university. All appointments to the board are for four-year terms with the exception of the student member, whose two-year appointment is made with the aid of a screening committee.

Indiana Vocational Technical College. Indiana Vocational Technical College (Ivy Tech) was created in 1963 by the General Assembly to provide post-high school vocational technical education throughout the state. Some 160 facilities offered training to more than 52,000 persons during the 1984-85 school year. Headquarters of the college is in Indianapolis, where it has been since the beginning.

There are 13 Ivy Tech regions in the state. Each has its own seven-member board of trustees representative of the manufacturing, commercial, agricultural and labor groups of the region. All are appointed by the board of trustees of Indiana Vocational Technical College. Additionally, more than 1,500 persons serve on program advisory committees.

The Indiana Vocational Technical College is governed by a board of trustees composed of 11 members appointed by the governor for three-year terms on a staggered basis—two each from manufacturing, commerce, labor, and agriculture, and three citizens, no more than two of the same sex, representing the public at large.

Vincennes University. Vincennes University is the oldest institution of higher education in the state, having been founded in 1801 as the Jefferson Academy. It is a two-year community junior college with an enrollment which totaled 6,863 in the fall of 1986, including students at the Jasper Center. Vincennes University offers more than 100 academic transfer and occupational degree programs.

The governing board consists of 14 trustees. Of these, nine are appointed by the governor for terms of three years. Another member, who must be a full-time student at the university, is selected by appointment for a term of one year. The remaining members, who serve ex officio, are the president of the university and the superintendents of Vincennes Community, South Knox and North Knox Community School Corporations.

University of Southern Indiana. The University of Southern Indiana, founded in 1965 as a regional campus of Indiana State University, became Indiana's newest state university in 1985. It is located midway between Evansville and Mt. Vernon.

Baccalaureate and associate degrees are offered in the areas of allied health, business, education, engineering, technology, humanities, social science, and science and mathematics. A master's of science degree is offered in industrial management and additional master's programs are offered in cooperation with other universities. In the fall of 1986 the university had an enrollment of 4,333 students.

The university is governed by a nine-member board of trustees appointed by the governor, including at least one graduate of the institution, one student, and one Vanderburgh County resident. After the initial appointments, all members will serve four-year terms, except the student trustee, who will serve for two years.

Education Council

Representing the State of Indiana on the Education Commission of the States is an Education Council of seven members, one of whom is the governor, one a member of the Indiana Senate appointed by the lieutenant governor, one a member of the House of Representatives appointed by the speaker of the House and four persons appointed by the governor, representative of professional and lay interests in educational matters.

The council is required to meet at least three times each year. It has the authority to request information and data from all officers, bureaus and departments of state government pertaining

to policies or purposes of the Interstate Education Compact, which are to establish and maintain close cooperation and understanding among executive, legislative, professional and lay educational leadership on a nation-wide basis at the state and local levels.

Commission on Vocational and Technical Education

The legislature in 1987 abolished the State Board of Vocational and Technical Education and created the Indiana Commission on Vocational and Technical Education to oversee the comprehensive vocational education system in Indiana.

The commission is required to develop and implement a comprehensive, long-range state plan for vocational education in relation to the long-range state education plans submitted by the State Board of Education, the Commission on Higher Education and the Department of Employment and Training Services, and review the legislative budget requests for vocational education submitted by the Department of Education, state educational institutions and the Indiana Office of Occupational Development. The law establishing the commission provides for course approval at the local level for secondary education, articulation, regional planning and coordination, and dual credit offerings.

The commission consists of 11 members appointed by the governor, one to represent each congressional district and one at large. One member must represent the state job training coordinating council or a private industry council; one must be an officer or employee of the state educational institution, and one an officer or employee of a school corporation.

The governor appoints the commissioner who administers the duties of the commission.

Council on Vocational Education

The Indiana Council on Vocational Education is established by state law to cooperate with the Commission on Vocational and Technical Education on programming, including development of the long-range state plan. It is directed to report annually to the governor, the General Assembly, the business community and the public concerning policy proposals to strengthen vocational education, with particular attention to programs for the handicapped, and initiatives and methods that the private sector could undertake to modernize vocational education programs.

The council consists of 13 members appointed by the governor for three-year terms. Seven represent the private sector: one familiar with the vocational needs and problems of small business; one representing the state job training coordinating council; three who are familiar with the vocational needs of business, industry and agriculture, and two representing the vocational needs of labor. Five represent educational institutions, vocational career guidance organizations and career needs of special populations such as minorities and the handicapped. One member represents special education.

Technology Preparation Curriculum Development

This technology preparation task force was established by the legislature to design and approve technology preparation curriculum models and identify certain occupations for secondary

and postsecondary articulation curriculum agreements in cooperation with the standing technical committee of the Indiana Commission on Vocational and Technical Education.

The state superintendent of public instruction, the commissioner of the Indiana Commission on Vocational and Technical Education and the executive officer of the Indiana Commission for Higher Education shall each appoint three persons to the task force. Those appointed must include representatives of local school corporations and state educational institutions.

Student Assistance Commission

The State Student Assistance Commission was created by the 1977 General Assembly. It consists of 11 persons — one from each congressional district and a student member. All are appointed by the governor for three-year terms except the student, who serves for two years. Up to two members may be affiliated with private educational institutions and up to two may be affiliated with public educational institutions. Members receive no salary, but are entitled to per diem and mileage while attending meetings of the commission and performing official duties. A staff of up to 40 permanent employees is headed by an executive director appointed by the governor.

The commission operates a major grant program to enable eligible persons to attend Indiana public or private postsecondary institutions, including hospital schools of nursing. It also operates work-study programs and administers programs designed to reduce shortages of teachers in certain middle school and high school teaching disciplines.

Applicants for grants must be residents of Indiana and graduates of approved secondary schools or have received a general education development (GED) certificate. They must demonstrate financial need and must have been admitted to an approved Indiana public or private institution of higher learning. The applications must be postmarked prior to March 1. Awards can be renewed for up to four academic years. Up to one year's leave of absence can be granted without loss of aid eligibility.

Awards are intended to meet a substantial portion of actual tuition and fees. The minimum award is \$200 and the maximum for the 1987-88 academic year is \$3,605.

The commission is the state administrative agency for the federal guaranteed student loan (GSL), parental loans to undergraduate students (PLUS) and supplemental loans to students (SLS) programs. Participating Indiana lending institutions make student loans guaranteed by the commission.

Teachers' Retirement Fund Board

The board of trustees administering this fund consists of five members, at least two of whom must be members of the fund, appointed by the governor for four-year terms. The governor also appoints an executive secretary from among the members of the fund who receives a salary fixed by the board with the governor's approval.

The board manages the teachers' retirement fund from which benefits are paid to public school teachers upon their retirement after reaching a specified age or meeting other eligibility qualifications. It may adopt regulations for the administration of the department and the investment of funds committed to it.

Funds to finance this program are provided from state tax revenues and from contributions by the teachers.

A system of retirement benefits has been authorized to provide for the integration of federal old-age, survivors and disability insurance benefits under the federal social security law with a

supplemental system of benefits payable through the Indiana State Teachers' Retirement Fund. The two programs require separate and distinct payments, with the employee and employer contributing to both.

Housing Finance Authority

The Indiana Housing Finance Authority was created in 1978 by the General Assembly to allow persons of low income or moderate income to afford decent, safe and sanitary housing. The authority is empowered to participate in construction and mortgage loans to sponsors of federally-assisted multi-family residential housing; purchase mortgage loans made to targeted persons for residential housing, and make loans available to mortgage lenders for use as mortgage loans to targeted borrowers. The authority is authorized to issue bonds and notes to carry out these purposes. No aggregate amount of outstanding obligations is established by the act.

The seven-member board includes three ex officio members, the lieutenant governor, state treasurer and director of the Department of Financial Institutions. The governor appoints the other four members. The treasurer currently serves as chairman and the lieutenant governor as vice chairman.

Office Building Commission

In 1953 the legislature established a State Office Building Commission to provide additional office space in downtown Indianapolis for the executive and judicial branches of government. The commission consists of the governor, lieutenant governor, treasurer of state, state budget director, commissioner of the Department of Administration and six public members appointed by the governor to staggered, four-year terms on a bipartisan basis. The governor serves as chairman and the lieutenant governor as vice chairman by statute. The commission hires an executive director and a small staff.

In 1960 the commission issued \$30 million in revenue bonds and with the proceeds erected a 13-story State Office Building immediately west of the State House. The debentures were paid off ahead of schedule in 1974.

The commission in 1975 was authorized to analyze the usage of office space in the State House, State Office Building and other facilities with a view to creating a long-range development plan for a four-block Capitol Complex on land north and west of the State House.

In 1985 the General Assembly authorized the commission to build a state museum, a judicial building, a second state office building and a parking garage, and to purchase additional land as needed for these projects. It also gave the commission authority to renovate the State House and the existing State Office Building with funds to be secured through the issuance of public bonds. Ground was broken for a multi-level parking garage in the spring of 1987.

Great Lakes Commission

By entering into the Great Lakes Basin Compact, Indiana was provided representation on the Great Lakes Commission, together with other states bordering on the Great Lakes and the provinces of Ontario and Quebec, Canada. The powers of the commission include recommendation of methods for the orderly, efficient and balanced development, use and conservation of

the water resources of the basin; consideration of the need for and desirability of public works and improvements relating to the water resources in the basin, and means of improving its navigation and port facilities; and cooperation with the governments of the United States and Canada, the party states and any public or private agencies having jurisdiction in the basin.

Indiana is represented on the Great Lakes Commission by five commissioners appointed by the governor.

Little Calumet River Basin Commission

This commission was created in 1971 to coordinate the development of the Little Calumet River Basin. Ex officio members are the director of the Department of Natural Resources (or designee) and the chairman of the Lake Porter County Regional Planning Commission (or designee). Other members are appointed by the governor: two each from Porter and Lake counties selected from lists submitted by the county commissioners and one from each city and town within the basin boundaries selected from lists submitted by the city councils and the town boards. The commission is empowered to accept funds, enter into contracts and conduct studies.

Kankakee River Basin Commission

In 1977 the General Assembly created a Kankakee River Basin Commission to consist of three officials from each of the following counties in the basin: Jasper, LaPorte, Lake, Marshall, Newton, Porter, St. Joseph and Starke. The officials are the county surveyor of each county and two appointees of the governor, one each from the county drainage board and the board of the soil and water conservation district. The members hold three-year terms (initially staggered).

The commission's responsibility is to coordinate the development of the Kankakee River basin by means of studies and recommendations and the production of an annual report. The commission may request support staff from the regional planning commission and fund its activities by a budget financed by the above-named counties and by state appropriations.

Ohio River Valley Water Sanitation Commission

This commission is composed of three commissioners from each of the eight signatory states — Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia and West Virginia — and three commissioners representing the federal government. The Indiana members are appointed by the governor for four-year terms.

Each of the member states pledges cooperation in the control of future pollution and the abatement of existing pollution from the rivers, streams and water in the Ohio River basin which flow through, into or border upon any of such states. Commission offices are located in Cincinnati.

Professional Licensing Agencies

Among the agencies of state government are a number of appointed boards and commissions responsible for the examina-

tion and registration of practitioners in various professions and crafts.

Such bodies are empowered to give examinations and to license or commission persons to engage in the regulated professions or trades over which they have jurisdiction. Board members are usually appointed by the governor, ordinarily for overlapping terms of four years, and most frequently are members of the craft or profession involved. One or more of the members by law will be chosen from outside the occupation to represent the general public. In most cases, board members are paid a per diem amount plus travel expense when engaged in their appointed tasks.

In 1981 the General Assembly, by recommendation of the legislative Sunset Committee, voted to abolish one regulative agency, the State Board of Certified Actuaries, and to end the practice of providing a separate paid executive and staff for each board or commission. By law were established the Health Professions Service Bureau and the Indiana Professional Licensing Agency to perform centralized administrative functions. Each is administered by an executive director, appointed by the governor, who is supported by up to three deputy directors plus staff. Each bureau has a special advisory committee composed of the chairmen of the boards and commissions which they administer.

Health Professions Service Bureau. The bureau is the administrative agency for 11 boards and four committees that regulate the health professions. The boards, and the number of members on each, are: Board of Chiropractic Examiners, seven; Board of Dental Examiners, 11; Board of Health Facility Administrators, 11; Medical Licensing Board, seven; Board of Nursing, eight; Board of Optometry, six; Board of Pharmacy, seven; Board of Registration for Professional Sanitarians, seven; Board of Examiners on Speech Pathology and Audiology, seven; Board of Psychology, seven; Board of Veterinary Medical Examiners, six.

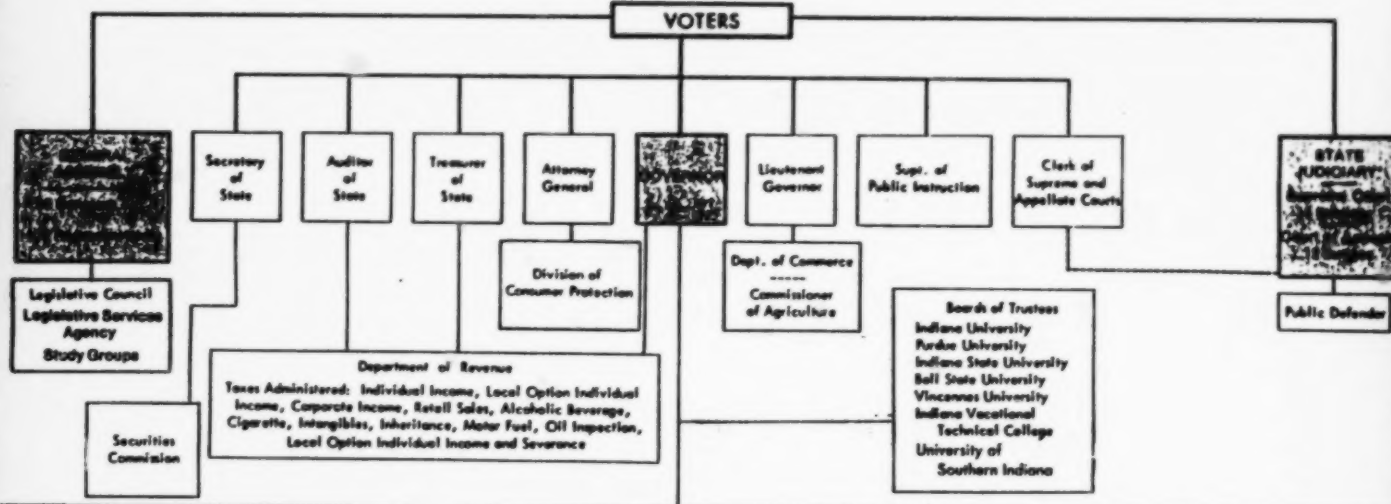
The Medical Licensing Board is assisted by three advisory subcommittees appointed by the governor; these concern podiatric medicine (six members), physical therapy (five members) and hearing aid dealers (five members). The Pharmacy Board is assisted by a Controlled Substances Advisory Committee consisting of 14 members appointed by the governor from specific professions to serve as a consultative body.

Licensing and regulation of other health-connected areas is performed by the State Board of Health. The areas thus regulated are: production, processing, storage, hauling and sale of food, particularly meat, poultry, and dairy products; hospitals, health care agencies, nursing homes, motels, motor courts, drug and cosmetic manufacturers, mattress and bedding wholesalers, hearing aid dealers, operators of wastewater treatment plants and water distribution systems.

Indiana Professional Licensing Agency. This agency assists 12 boards and commissions. The agencies, and the number of members of each, are: Board of Public Accountancy, six; Board of Registration for Architects, five; Auctioneer Commission, six; Board of Barber Examiners, four; Board of Beauty Culturist Examiners, seven; State Boxing Commission (State Athletic Commission prior to July 1, 1982), three; Board of Embalmers and Funeral Directors, seven; Board of Registration for Professional Engineers and Land Surveyors, six; Plumbing Commission, six; Real Estate Commission, 13; Board of Television and Radio Service Examiners, five, and State Board of Examiners in Watch Repairing, six.

Bureau of Law Examiners. This agency, which is an arm of the Indiana Supreme Court, has its own executive director and staff. It handles such issues as licensing reciprocity with other states and the registration of professional corporations, as well as the examination and licensing of attorneys. Each of the five Supreme Court justices appoints two attorneys to form the board, which prepares the questions and grades the answers for the twice-yearly law examinations. The board is assisted by a Committee of Character and Fitness in each Supreme Court judicial district, consisting of at least one attorney from each county. These attorneys interview applicants for law examination and certify as to their moral character and fitness to be admitted to the bar. The board is assisted also by an Indiana Judicial Council on Legal Education and Competence at the Bar, created to recommend standards or criteria for admission to practice of law and for continuing legal education for lawyers and judges. The council membership, consisting of appointed state and federal judiciary in Indiana and practicing members of the Indiana bar, is entitled to per diem and travel expenses incurred while active on council business.

INDIANA STATE GOVERNMENT A Simplified Organization Chart



STATE BOARDS, DEPARTMENTS, COMMISSIONS AND OTHER AGENCIES*

Board of ACCOUNTS ... ADJUTANT GENERAL ... Department of ADMINISTRATION ... ADMINISTRATIVE BUILDING COUNCIL ... ADVOCACY SERVICES ... AERONAUTICS DIVISION ... AFFIRMATIVE ACTION OFFICE ... Institute for AGRICULTURE, FOOD AND NUTRITION ... AIR POLLUTION CONTROL BOARD ... AIRPORT AUTHORITY ... ALCOHOLIC BEVERAGE COMMISSION ... Board of ANIMAL HEALTH ... ARTS COMMISSION ... BOXING COMMISSION ... BUDGET AGENCY ... CIVIL DEFENSE DEPARTMENT ... CIVIL RIGHTS COMMISSION ... COMMUNITY RESIDENTIAL FACILITIES COUNCIL ... Department of CORRECTION ... CRIMINAL JUSTICE INSTITUTE ... Board of EDUCATION ... EDUCATION COUNCIL ... EDUCATION EMPLOYMENT RELATIONS BOARD ... EDUCATIONAL SERVICES FOUNDATION ... EGG BOARD ... Bureau of ELEVATOR SAFETY ... EMERGENCY MEDICAL SERVICES COMMISSION ... Department of EMPLOYMENT and TRAINING SERVICES ... Department of ENVIRONMENTAL MANAGEMENT ... ETHICS COMMISSION ... Department of FINANCIAL INSTITUTIONS ... FIRE MARSHAL ... Commission on FORENSIC SCIENCES ... GOVERNOR'S VOLUNTARY ACTION COMMITTEE ... GREAT LAKES COMMISSION ... Commission for HANDICAPPED ... Board of HEALTH ... HEALTH FACILITIES COUNCIL ... HEALTH PROFESSIONS BUREAU ... Commission for HIGHER EDUCATION ... HISTORICAL BUREAU ... HOSPITAL REGULATORY AND LICENSING COUNCIL ... HOUSING FINANCE AUTHORITY ... Department of HUMAN SERVICES ... INDUSTRIAL BOARD ... INSURANCE DEPARTMENT ... KANKAKEE RIVER BASIN COMMISSION ... Department of LABOR ... LAW ENFORCEMENT TRAINING BOARD ... LIBRARY SERVICES AUTHORITY ... LITTLE CALUMET RIVER BASIN COMMISSION ... MEDICAL ADVISORY COMMISSION ON DRIVER LICENSURE ... MEDICAL AND NURSING GRANT FUND BOARD ... MEDICAL EDUCATION BOARD ... Department of MENTAL HEALTH ... MERIDIAN STREET PRESERVATION COMMISSION ... Bureau of MINES AND MINING ... Bureau of MOTOR VEHICLES ... Department of NATURAL RESOURCES ... OCCUPATIONAL SAFETY STANDARDS COMMISSION ... OHIO RIVER VALLEY WATER SANITATION COMMISSION ... PAROLE BOARD ... PERSONNEL DEPARTMENT ... PESTICIDE REVIEW BOARD ... PORT COMMISSION ... Commission for PROPRIETARY EDUCATION ... PROFESSIONAL LICENSING AGENCY ... PUBLIC EMPLOYEES' RETIREMENT FUND ... Department of PUBLIC WELFARE ... RADIATION CONTROL ADVISORY COMMISSION ... REDEVELOPMENT COMMISSION ... REHABILITATION SERVICES AGENCY ... Committee on SAFETY ... Board of SAFETY REVIEW ... SCHOOL PROPERTY TAX CONTROL BOARD ... STANDARDIZED BOARD OF REGULATION ... STATE EMPLOYEES' APPEAL COMMISSION ... STATE FAIR BOARD ... STATE LIBRARY ... STATE OFFICE BUILDING COMMISSION ... STATE PLANNING SERVICES AGENCY ... STATE POLICE DEPARTMENT ... STREAM POLLUTION CONTROL BOARD ... STUDENT ASSISTANCE COMMISSION ... Board of TAX COMMISSIONERS ... TEACHERS' RETIREMENT FUND BOARD ... TECHNOLOGY PREPARATION CURRICULUM DEVELOPMENT ... Department of TRANSPORTATION ... TRANSPORTATION COORDINATING BOARD ... UTILITY CONSUMER COUNSELOR ... UTILITY REGULATORY COMMISSION ... Department of VETERANS' AFFAIRS ... Commission on VOCATIONAL AND TECHNICAL EDUCATION ... Council on VOCATIONAL EDUCATION ... WAGE ADJUSTMENT BOARD ... WAR MEMORIALS COMMISSION

BELOW: Semi-independent agencies largely ex officio in nature

CREAMERY EXAMINING BOARD ... ELECTION BOARD ... Board of FINANCE ... JUDICIAL CONFERENCE ... PROPERTY TAX REPLACEMENT FUND BOARD ... PROSECUTING ATTORNEYS COUNCIL ... Board for PUBLIC DEPOSITORIES ... Commission on PUBLIC RECORDS ... RECIPROCITY COMMISSION ... SCHOOL BUS COMMITTEE ... SURPLUS PROPERTY EVALUATION COMMISSION

*There are approximately 400 boards and agencies. Those listed above are only representative.

State Administrative Officials

□ In addition to the governor, whose office has been described previously (see index), there are seven top-level, elected administrative officials in the state government structure.

They are the lieutenant governor, secretary of state, treasurer of state, auditor of state, the attorney general, superintendent of public instruction and clerk of the Supreme Court and Court of Appeals.

Some of the offices filled by these officials were created by the Constitution and the remainder by the legislature. Because these offices are elective, they are not subject to control by the governor. In most cases, they have independent authority over administrative divisions in the state governmental system.

Lieutenant Governor

The office of the lieutenant governor is established in the Constitution. The term of office is the same as that of the governor — four years. Candidates for the office of lieutenant governor are nominated at party conventions. The party's nominees for governor and lieutenant governor run as a team, insuring that those elected will not be of opposite political faiths. In the same manner as the governor, the lieutenant governor takes office on the second Monday of January following election. The lieutenant governor receives a salary of \$51,000 a year, and is compensated an additional \$11,600 for serving as president of the Senate.

One function and one potential function are conferred on the lieutenant governor by the Constitution. These are (1) to preside over the Senate during its sessions and (2) to act as governor if the governor is unable to discharge the duties of office or become governor if the office falls vacant.

By statute, the lieutenant governor is executive director of the Department of Commerce. The department gives assistance to new and existing industry, community economic development and small business and minority business activity; provides regulatory assistance to all Indiana business people; promotes tourism within the state, and analyzes economic conditions.

Also by statute, the lieutenant governor is commissioner of agriculture, charged with administering the laws relating to agriculture and encouraging farm organization activity, in particular the promotion of Indiana's agricultural products and conduct of the Indiana State Fair. An additional responsibility is to administer the Indiana Commodity Dealers Licensing Agency which regulates grain trading firms.

By gubernatorial executive order, the lieutenant governor has responsibility for the Department of Employment and Training Services.

The lieutenant governor serves as chairman of the Intelnet Commission and the New Harmony Commission and vice chairman of the Housing Finance Authority and the Corporation for Science and Technology. Ex officio the lieutenant governor is a member of the State Fair Board, Air Pollution Control Board, Corporation for Indiana's International Future, Employment Development Commission, Energy Development Board (voting member), Enterprise Zone Commission (voting member), Environmental Management Board, Film Commission, Commission on Interstate Cooperation, Minority Business Development Commission, Natural Resources Commission, Standardbred Board of Regulation, State Office Building Com-

mission and State Soil and Water Conservation Committee.

By virtue of office the lieutenant governor appoints members to the Corporation for Innovation Development, Corn Marketing Council, Indiana Education Council, Main Street Council, Steel Advisory Commission and Tourist Information and Promotion Fund Review Committee.

Secretary of State

The term of office of the secretary of state, which begins Dec. 1 following election in November, is for four years and no person is eligible to serve for more than eight years in any period of 12 years. It is a constitutional office and the annual salary is \$46,000.

The secretary, by virtue of office, serves as chairman of the State Recount Commission and as a member of the Code Revision Commission, Commission on Public Records, Corporation Law Study Commission, Corporation Survey Commission and State Board of Canvassers.

A major function of the secretary of state is attesting official state documents such as constitutional amendments, statutes, and proclamations and commissions issued by the governor. Most of such official documents are in the permanent custody of this office. The secretary keeps and preserves the constitution of the state and the state seal. The office, with a staff of 64, has four divisions.

Administration. Candidates for federal, state and judicial offices must file their declarations of candidacy with the secretary of state, who maintains complete records of primary and general elections for such offices. Candidates for federal offices and committees which make contributions to such candidates are required to file copies of federal campaign reports with the secretary of state. (The original copy is filed in Washington, D.C.)

This division administers the trademark registration law, the state lobby law and the licensing of collection agencies. Additional duties are processing of certain land patents and summonses and certification of extradition papers. The division processes and records commissions issued by the governor; the most frequently issued is that of notary public. Indiana has approximately 80,000 notaries public serving four-year terms.

Securities. The secretary of state administers state laws regulating the sale and trading of corporate securities, the sale of franchises and attempts to take over corporations through the purchase of stock. An additional duty is the licensing of collection agencies. The 1985 General Assembly enacted a bill requiring certain loan brokers to register with this division before doing business. A loan broker is required to file a disclosure statement and maintain a \$25,000 bond in favor of the state as conditions of registration.

Corporations. The secretary of state issues charters of incorporation and receives reports annually from all corporations chartered in the state. The life histories of some 300,000 corporations admitted to do business in the State of Indiana are on file, 150,000 of which are currently active. This division also administers Indiana's trademark registration law.

Uniform Commercial Code. This division provides a central

location for the filing of instruments on commercial transactions when required by the Uniform Commercial Code. It is estimated that there is more than a billion dollars in Uniform Commercial Code filings on file in this division.

Treasurer of State

The treasurer of state is elected for a term of four years and may not serve more than eight in any period of 12 years. The term begins Feb. 10 in the year following election. The office is a constitutional office and the salary is \$46,000 annually.

The treasurer of state is the receiver and custodian of all state revenue or money, and pays out the money upon warrants issued by the auditor of state. The treasurer's office invests the state general fund and more than 50 trust funds in various Indiana financial institutions at the discretion of the treasurer. During fiscal year 1987, approximately \$52.6 million accrued to the state from investment of general fund monies; 52 individual trust funds earned more than \$35 million in interest.

The treasurer maintains time deposits in the form of certificates of deposit and repurchase agreements in more than 300 banks and 55 savings and loan offices; investments in obligations of the United States Treasury also are permitted by law. The repurchase agreements are used for short-term investments.

Ex officio the treasurer is a member of the State Board of Finance; Indiana Board for Depositories (secretary/investment manager); Public Employees Retirement Fund (treasurer); State Police Pension Fund (trustee); State Office Building Commission (treasurer); Indiana Recreational Development Commission (treasurer); Indiana Housing Finance Authority (chairman) and Indiana Bond Bank (chairman).

Auditor of State

The auditor of state is elected for a term of four years beginning Dec. 1 following election in November. No person is eligible to serve more than eight years in any period of 12 years. It is a constitutional office and the salary is \$46,000 per year.

The office function is that of state bookkeeper and auditor of receipts and disbursements. Money is paid into the treasury on a quietus from the auditor as a means of checking receipts. All payments out of the treasury must be made upon a warrant prepared and signed by the auditor, who maintains a centralized accounting record of all state departments and agencies, and the payroll records for all state employees except those at state-owned universities and colleges.

The auditor is responsible for the pre-audit of all claims to the state before disbursement is made, and must check and approve county abstracts, settlements, and school fund reports submitted by the county. An annual report is published showing receipts and disbursements of each department and agency of state government, and data on tax collections, valuations, and local government charges.

Ex officio the auditor is a member of the State Board of Public Depositories, State Board of Finance, Indiana Revenue Board, Indiana State School Building Authority, Indiana Common School Fund Building Commission, State Tax and Financing Policy Commission, State Data Processing Oversight Commission, Fiscal Management Study Commission, and the State Office Building Commission.

Attorney General

The term of the attorney general is for four years, coinciding with that of the governor, and there is no legal restriction on successive terms. It is a statutory office and the annual salary is \$59,200.

As the state's chief legal officer, the attorney general represents Indiana in every lawsuit in which the state has an interest. In criminal cases this responsibility, except where authorized or required by specific statutes, is limited to the handling of appeals. This limitation applies also to cases in the federal courts.

On request, the attorney general furnishes official opinions to the governor, state officers and members of the General Assembly to interpret statutes and apply the law to specific questions. The official opinions are published every two years. The office also furnishes unofficial opinions in response to inquiries from counties, municipalities and other public groups; these promote uniformity among the various political subdivisions.

The attorney general is not a law-enforcement officer. Except where authorized or required by statute, the attorney general does not prosecute offenders, does not exercise control over prosecuting attorneys and does not intervene in the enforcement of local laws. Additionally, the attorney general does not give legal advice to individual citizens.

Ex officio the attorney general serves as a member of the State Traffic Safety Advisory Committee, the Law Enforcement Advisory Council and the Indiana Criminal Justice Planning Commission.

Division of Consumer Protection. The attorney general appoints the division director, who is a deputy attorney general. The division investigates written consumer complaints, may initiate and prosecute civil actions and maintains an educational program to inform consumers of deceptive sales practices. The division is designated as the state agency for receipt and administration of federal funds for the purpose of consumer protection.

Abandoned Property Section. By statute, the attorney general is responsible for administering the collection and disposition of abandoned property. The holders of intangible personal property (such as unclaimed savings and checking accounts, money orders, wages, utility deposits, safe deposit boxes on which rental has expired) which has been unclaimed for at least seven years are required to report such property to the attorney general's office. The accounts are advertised and, if not claimed, are turned in to the attorney general's office. The rightful owner or owner's heirs may claim the property from the state within 25 years.

Superintendent of Public Instruction

The superintendent of public instruction is elected for a four-year term coinciding with that of the governor. There is no legal restriction on successive terms. It is a constitutional office and the salary is \$63,100.

The superintendent of public instruction is chairman of the State Board of Education and directs the activities of the Indiana Department of Education. As Indiana's chief school officer, the superintendent plays an important role in developing state educational policy and guiding the direction of education from kindergarten through high school.

The superintendent is chairman of the Indiana Consortium for Computer and High Technology Education, the Indiana

School Bus Committee, the Indiana Commission for the Arts and Humanities in Education and the advisory committees to the State Board.

Board of Education. Establishing basic policy and goals for the state's public school system is the primary responsibility of the State Board of Education through the superintendent. The board develops standards and objectives for local school corporations and assures their compliance, assesses the attainment of established goals and makes recommendations of education needs (including financial) to the governor and legislature.

The board consists of the superintendent of public instruction, who serves as chairman, and 10 members appointed by the governor (one from each congressional district) for four-year terms. At least four must be employed in Indiana schools and hold valid teaching licenses. No more than six may be of one political party. Appointive members receive per diem and expenses for time spent on board business.

The board was created in 1984 by consolidation of three commissions (General Education, Textbook Adoption, and Teacher Training and Licensing). The legislature created two advisory committees, one on textbook adoption and one on teacher training and licensing, each made up of the superintendent (or designee), who serves as chairman, and six members appointed by the superintendent. Not more than four of the six may belong to the same political party, and at least four must be employed in the schools and hold valid teaching licenses or, in the case of the teacher training and licensing committee, be faculty members in an accredited teacher training program. The advisory committees may formulate and hold hearings on proposed rules for consideration by the state board.

Acting through the superintendent and the Indiana Department of Education, the State Board oversees teacher training

standards, minimum standards for graduation from high school and driver education programs, school inspection and accreditation and prescribed courses of study to be used in the schools. It oversees distribution of state funds to local school corporations and approves loans from the Common School Fund and Veterans' Memorial School Construction Fund, as well as school sites and building plans. The board also cooperates with local school districts in developing vocational, special and adult education programs.

Consortium for Computer and High Technology Education. This 13-member ad hoc body was formed in 1983 to coordinate teacher training in computer education, dispense computer information to the educational community, and advise the Commission on General Education on the use of a School Technology Advancement Account. It is composed of the superintendent of public instruction, a state senator and state representative and 10 persons appointed by the governor to two-year terms.

Clerk of the State High Courts

The clerk of the Supreme Court, Court of Appeals and Tax Court is elected for a four-year term beginning Jan. 1. The office of clerk is a statutory office and salary is \$38,000 a year.

This officer receives and keeps records of cases in the state high courts, issues processes from the courts, administers the oath to and maintains the roll of all attorneys admitted to the bar in Indiana, collects an annual disciplinary registration fee from each attorney practicing law in the state of Indiana, and performs other necessary clerical duties.

Ex Officio Boards and Commissions

□ In addition to state agencies responsible to the governor and state offices headed by elective officials, there are numerous boards and commissions that are largely ex officio in composition and therefore are of a semi-independent character.

Prosecuting Attorneys Council

This council, consisting of all of the prosecuting attorneys and their chief deputies in Indiana, employs an executive director and staff. Its activities are directed by a 10-member board of directors elected by the membership throughout the state.

A major responsibility is the maintenance of contact with study commissions and agencies of all branches of government (including federal), to benefit law enforcement and the administration of justice in Indiana. The council is required to help coordinate the duties of prosecuting attorneys and their staffs, conduct research of value to such officials and provide continuing legal education.

Judicial Conference of Indiana and Judicial Center

The membership of the Judicial Conference consists of all judges of the Supreme Court, the Court of Appeals, the Tax Court and the circuit, superior, criminal, probate, juvenile and county courts of the state. The activities of the conference are directed by a 23-member board of directors made up of the chief justice of the Supreme Court; the chief judge of the Court of Appeals; the president of the Indiana judges association; the president of the Indiana council of juvenile court judges; a judge from each of the trial court districts as elected for two years by their peers, and five trial court judges appointed for one year by the chief justice.

The Judicial Center, the staff agency for the conference, has 15 full-time and part-time persons, headed by an executive director. The purposes of the conference are to promote (1) an exchange of experience and suggestions regarding the operation of the state's judicial system, (2) the continuing education of

judges, and (3) a better understanding by the public of the judiciary. Since 1979 the conference also has set standards and procedures for probation officers.

Property Tax Replacement Fund Board

The membership of the Property Tax Replacement Fund board consists of the Indiana revenue commissioner, who serves as chairman, the chairman of the State Board of Tax Commissioners, the director of the State Budget Agency and two legislators, one appointed by the speaker of the House and one appointed by the president pro tem of the Senate. This board has the power to increase, but not decrease, the percent of property tax replacement credit in a given year if, in its judgment, surplus funds would be available. The credit was established in 1973 as 20 percent of total property taxes paid for all taxpayers each year. The Property Tax Replacement Fund Board may transfer monies from the property tax replacement fund to the state's general fund to give property tax relief to the elderly and disabled under the "circuit breaker" plan and provide financial aid to local school corporations.

School Bus Committee

The State School Bus Committee is composed of seven voting and five non-voting members. It prescribes standards for school bus construction and equipment and determines whether buses being considered for purchase are in conformity. The voting members consist of the state superintendent of public instructions (designated as chairman), the director of the motor carrier division of the Public Service Commission, the secretary of the State Board of Health, the director of the Office of Traffic Safety, and one member each of the State Association of School Drivers, the Association of Public School Superintendents and the Indiana School Boards Association. The non-voting members consist of one member each of the Association of School Bus Distributors, Indiana State Police, the School Transportation Association, the Indiana Bus Association and the Indiana Township Trustees Association.

State Board of Finance

The governor, auditor of state and treasurer of state constitute the State Board of Finance. This board has as one of its duties the advisory supervision of the safekeeping of all funds coming into the state treasury. The board arranges for the deposit of state funds, and may transfer money between state funds and appropriations. It has the power to negotiate loans to cover a temporary deficit and to impose a state property tax levy of up to 15 cents per \$100 of assessed value to cover a state revenue deficit.

Board of Depositories

Members of the State Board of Depositories are the governor, treasurer, auditor, state examiner of the State Board of Accounts and the chairman of the Commission for Financial Institutions. This board supervises the administration of the Public Deposits Insurance Fund, which guarantees municipalities against financial loss in the event of bank failure.

Commission on Public Records

The responsibilities of the Commission on Public Records were expanded in 1979 to include state forms management; establishing a statewide records management program, a state archival program, a records preservation laboratory and a state records center; coordinating the use of all micrographic equipment; approving camera-ready copy and paper and film storage equipment; and preparing and implementing records retention schedules.

Functioning as the policy-making body for the commission is the oversight committee, consisting of the governor, secretary of state, state examiner of the State Board of Accounts, director of the State Library, director of the Historical Bureau, director of the Commission on Public Records, commissioner of the Department of Administration and two lay members appointed by the governor for a term of four years.

State Election Board

Two appointees and the governor constitute the State Election Board and the governor is chairman. The state chairmen of the two major political parties nominate one person each; the nominees are appointed by the governor.

The board interprets the election laws, supervises the printing and distribution of ballots for the general election and prepares a handbook on the election laws. Its staff must be bipartisan except for the chief deputy.

Creamery Examining Board

General supervision over the administration of state laws and regulations pertaining to licensing of creameries and testing of milk is exercised by the Creamery Examining Board in cooperation with the Creamery License Division of the Purdue University Agricultural Experiment Station. The board consists of seven members. Three are producers of milk and cream and three are processors of milk and cream; the seventh is a member of the Purdue Animal Sciences Department as appointed by the director of the Purdue University Agricultural Experiment Station. The board elects a chairman annually. The industry members are elected to the board by the members of their respective dairy trade associations.

Reciprocity Commission

The Reciprocity Commission consists of the governor, the commissioner of the Bureau of Motor Vehicles, the superintendent of state police, the chairman of the Utility Regulatory Commission, the director of the State Highway Department and the commissioner of the Department of Revenue. Also included are two members appointed by the governor, one representing the trucking industry and one the bus industry. The governor serves as chairman and the secretary of the Utility Regulatory Commission as secretary.

The commission confers with other states and the District of Columbia to arrange reciprocal plans and regulations for ease of movement of motor vehicles on the nation's highways.

Non-Statutory Agencies

In addition to the agencies created by statutory authority, there are others established by executive order of the governor. These vary in number and significance with each administration.

Statute dictates that all boards established by executive order are automatically abolished when a governor leaves office unless re-established at that time by the new governor. The major agencies created by executive order during the administration of Gov. Robert D. Orr, their purpose and composition if stated, include the following:

Governor's Planning Council on Developmental Disabilities. This council consists of up to 24 persons who are appointed by the governor. They include: representatives of the Indiana Office of Social Services Fiscal Office, Department of Mental Health, Department of Education, State Board of Health, Department of Public Welfare and Advocacy Services; three persons representing local agencies providing services to the developmentally disabled; a representative of Indiana's university affiliated projects; a representative of the public at large; 12 consumer members, four of whom are disabled and the remainder being immediate relatives or guardians of persons (one of whom is institutionalized) who are developmentally disabled.

The council's major purpose is to develop a comprehensive state plan for providing services to developmentally disabled persons in Indiana. The council, through the Department of Mental Health, funds various services and model projects consistent with the goals and objectives in the state plan.

Illinois-Indiana Bi-State Commission. This commission consists of 12 member commissioners (six from Indiana and six from Illinois). Indiana's commissioners are to be appointed as follows: the chairman of Northwestern Indiana Regional Planning Commission and four other members of NIRPC, one from the largest city (appointed by mayor), one from a community of less than 50,000 population, one from a participating county and one who is not an elected official or governmental employee; and one person appointed by the governor of Indiana. The council is to coordinate planning and development in the northwestern Indiana-northeastern Illinois area, including Indiana counties of Lake, Porter and LaPorte.

The Governor's Health Project. Established in 1933, the Governor's Health Project is a pioneer program to improve

general health and contain health care costs for the citizens of Indiana. Health festivals held in communities across the state provide health education and screenings to detect health problems. Participants receive information and referral materials and are offered opportunities to continue learning about improving health practices through local channels. A project director and several area coordinators organize and assist with events around the state.

Indiana Council on Physical Fitness and Sports Medicine. Members of the council are appointed by the governor and are to be representative of the following areas of physical fitness: sports medicine, public health, athletics, education, labor, and business management and nutrition. The general purpose of this council is to emphasize good health and coordinate the various efforts concerning physical fitness and sports medicine.

Indiana Criminal Law Study Commission. Members of the commission are to be limited to 20 persons knowledgeable in criminal, juvenile and correctional law. The major purpose is to study and revise criminal procedure and to monitor the penal, juvenile and corrections codes.

Indiana Commission on Uniform State Laws. This commission consists of six members appointed by the governor. The commissioners are to participate in the workings of the National Conference of Commissioners on Uniform State Laws.

Administrative Rules Oversight Commission. This commission consists of nine state officials — the budget director and four others appointed by the governor and four legislative members chosen by the speaker of the House and president pro tem of the Senate. Its general purpose is to review complaints concerning administrative rules and advise modifications where indicated.

Governor's Voluntary Action Committee. This committee consists of six executive assistants to the governor. The committee serves as a focal organization to channel, coordinate and support volunteers within Indiana.

Indiana Guard Reserve. Membership of the Indiana Guard Reserve is not defined. It is administered by the Military Department of Indiana, with the adjutant general as commander. The reserve exists to aid civil authority and promote readiness during threats to national and state security.

State Judiciary

□ The Indiana Constitution, as adopted in 1851 and amended in 1881, stated that "the judicial power of the state shall be vested in a Supreme Court, Circuit Courts, and such other courts as the General Assembly may establish." Thus the Supreme Court was installed as the highest judicial tribunal in the state and it remains such today. An Appellate Court to provide additional facilities for handling of appeals from lower courts was established by statute in 1891.

Judges at every level, from the Supreme Court to township justices of the peace, originally were elected by the regular political process. However, the inclusion of judges in partisan elections drew criticism in Indiana as it has in many other states. This criticism led in 1965 to the creation of a Judicial Study Commission. The commission analyzed the existing system and recommended a sweeping revision to provide for the nonpartisan selection of all judges.

The General Assembly in 1967 modified the commission's recommendation so as to restrict the nonpartisan selection process to the Supreme and Appellate courts, and approved a constitutional amendment to that effect. The amendment was again approved by the legislature in 1969 and was ratified by the electorate in 1970.

In addition to altering the method of judicial selection, the amendment made a number of other changes in the judicial system—among them designating as a constitutional body a Court of Appeals to replace the Appellate Court. It provided for creation of a Judicial Nominating Commission to evaluate the qualifications of those seeking to occupy vacant seats and submit the names of the three candidates found most highly qualified to the governor, who appoints one of the three. (If the governor does not announce a choice within 60 days, the chief justice shall make the appointment. Each selection is to be without regard to political affiliation.)

To be eligible as a nominee, a person must be "domiciled within the geographic district" and a citizen of the United States, and must have been admitted to the practice of law in the state for not less than 10 years, or must have served as judge of a circuit, superior or criminal court in Indiana for not less than five years.

The amendment fixes the initial term of each newly appointed judge at two years, after which the judge is subject to a referendum at the next general election. Voters answer this question on the ballot: "Shall Judge X be retained in office?" "Yes No ." (For Court of Appeals judges, the referendum is by district.) A judge approved by the voters enters upon a 10-year term, then is again subject to referendum. A judge is prohibited from taking part in political campaigns, and by statute must retire by age 75.

The Judicial Nominating Commission, and the members thereof, constitute the Commission on Judicial Qualifications. This latter commission has certain disciplinary powers, with authority to recommend the censure, suspension, removal or retirement of state judges.

Supreme Court

The Supreme Court consists of five judges known as justices. The chief justice is selected by the Judicial Nominating Commission from among the members of the Supreme Court and "shall retain that office for a period of five years, subject to reappointment in the same manner, except that a member of the court

may resign the office of chief justice without resigning from the court." (Formerly, the post of chief justice was rotated semi-annually among the members of the court.)

The Supreme Court has no original jurisdiction except in admission to the practice of law, discipline or disbarment of those admitted; the unauthorized practice of law; discipline, removal and retirement of justices and judges; supervision of the exercise of jurisdiction by the other courts of the state, and issuance of writs necessary or appropriate in aid of its jurisdiction. The Supreme Court has appellate jurisdiction under such terms and conditions as specified by rules except that appeals from a judgment imposing a sentence of death, life imprisonment or imprisonment for a term greater than 50 years is taken directly to the Supreme Court. The Supreme Court has, in all appeals of criminal cases, the power to review all questions of law and to review and revise the sentence imposed.

The chief justice receives an annual salary of \$68,500 and the associate justice receive \$66,000. Each receives a yearly subsistence allowance of \$3,000.

Court of Appeals

The Court of Appeals consists of 12 judges in four districts. Three judges serve on panels for each district. The First District

COURT OF APPEALS DISTRICTS



*Jurisdiction of the Fourth District includes the entire state.

represents south and central Indiana; the Second District is in the central and north central area; the Third District covers the northern part, and the jurisdiction of the Fourth District encompasses the entire state. (See map.) Each district sits for the hearing and decision of causes in Indianapolis or in such other places as the chief judge of the Court of Appeals shall designate. (The Appellate Court was not permitted to sit outside Indianapolis.)

The judges of the Court of Appeals select one of their number as chief judge for a period of three years subject to reappointment. A member of the court may resign as chief judge without resigning from the court.

The Court of Appeals has no original jurisdiction, except that it may be authorized by rules of the Supreme Court to review directly decisions of administrative agencies. In all other cases, it exercises appellate jurisdiction under such terms and conditions as the Supreme Court specifies by rules which shall, however, provide in all cases an absolute right to one appeal and, to the extent provided by rule, review and revision of sentences for defendants in all criminal cases.

The chief justice of the Court of Appeals receives an annual salary of \$63,500 and each associate's annual salary is \$61,000. Their yearly subsistence allowance is \$3,000.

Indiana Tax Court

The Indiana Tax Court, which began operation July 1, 1986, has exclusive jurisdiction over any case arising under the state

tax laws that is an initial appeal of a final determination made by the State Board of Tax Commissioners or the Department of State Revenue. A small claims docket processes claims for tax refunds not exceeding \$5,000, and appeals of assessed value not exceeding \$5,000 for any year.

The non-jury Tax Court consists of one full-time judge whose term is for 10 years after being appointed by the governor from a list of three candidates submitted by the Judicial Nomination Commission. The judge may thereafter be approved or rejected for succeeding 10-year terms in the same manner as justices of the Supreme Court. The Tax Court judge receives an annual salary of \$61,000 and an allowance for travel and mileage.

Public Defender

The office of public defender was established to provide legal representation for any inmate of an Indiana penal institution who claims to be unlawfully imprisoned but is without sufficient funds to employ counsel. The public defender, who must be an attorney with at least three years of practice in Indiana, is appointed by the Supreme Court.

Financing Indiana State Government

Where the State Gets Its Money

In the early years following statehood in 1816, Indiana relied heavily on the property tax to finance operations and provide capital funds. As late as the 1920's, more than 30 percent of total state receipts came from the property tax. In addition, there were poll taxes levied against individuals, various types of gross receipt taxes, and license taxes levied against businesses.

With the onset of the Great Depression in 1929, pressure began to mount for another source of tax revenue because of a continuing decline in property values. The General Assembly in a special session in 1932 passed limitations on property tax rates; this further restricted property tax revenues. The effect was virtually to force the enactment of new taxes in order to keep government operating.

In response, the legislature in 1933 enacted a gross income tax applied to the income of both individuals and businesses. The state also adopted a special tax on intangibles (financial instruments such as stocks, bonds and notes) and levied taxes and license fees based on the sale of alcoholic beverages. This tax structure, practically unaltered except for minor rate changes, served the state until 1963.

The legislature in that year, facing a dwindling state surplus, was again assailed with demands for property tax relief as well as being confronted with burgeoning requirements for additional spending at the state level. The tax package adopted in response to these needs included two new essential elements: a 2 percent sales tax and a new adjusted gross income tax of 2 percent applied to both individuals and corporations. At the same time, the existing gross income tax was modified to apply only to

corporations.

A decade later, with property tax collections exceeding \$1 billion annually and with substantial evidence documenting the need for business tax reform, the Indiana General Assembly again overhauled the state's tax structure. This effort was aimed at relieving the property tax while enhancing the state's attractiveness for business expansion. The 1973 program gave taxpayers a refund for 20 percent of their property tax payments, froze property tax levies and rates at the 1973 amounts, and began to phase out the corporate gross income tax. New revenues to make the reforms possible were obtained by increasing the sales tax to 4 percent and the corporate adjusted gross income tax to 3 percent. A new corporate supplemental net income tax was enacted at the rate of 2 percent (increased to 3 percent in 1977) and counties were authorized to adopt a local income tax.

Based on a study of the probable effects of the then current statewide tax reassessment program, the legislature in 1979 passed a series of measures that imposed new controls to prevent a sharp increase in property taxes and gave other forms of relief. The program included a declining homestead credit scheduled to be phased out in five years, and an income tax deduction for renters. Special property tax relief was granted for the elderly and for those home owners living on low income; another 1979 law compensated the elderly for home heating costs.

The General Assembly in 1982 adopted the business tax reforms of the 1981 Federal Economic Recovery Tax Act. To gain offsetting revenue, however, the legislature increased the rate of the supplemental corporate net income tax to 4 percent. The increasing pressure of a recession-induced fiscal crisis caused Governor Robert D. Orr to call a special session in December of 1982. In response the legislature increased the in-

The State House Dollar

For The Indiana State Fiscal Year

July 1, 1986 to June 30, 1987

(Estimated Figures)

TOTAL NET RECEIPTS \$7,577,907,000

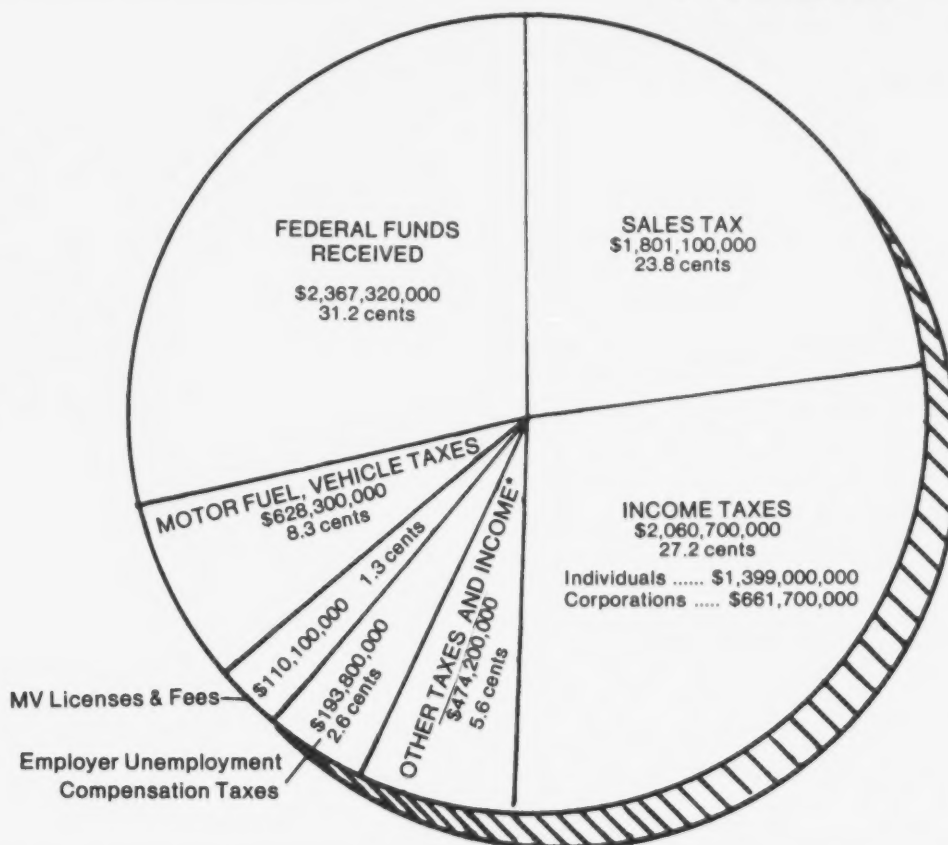
MAJOR SOURCES OF REVENUE

Taxes, ... \$4,893,875,000

Federal Funds 2,367,320,000

Non-Tax Receipts 316,712,000

COMES FROM



*"Other Taxes and Income" include:

Cigarette Taxes \$113,200,000

Alcoholic Bev. Taxes 43,000,000

Insurance Taxes, Fees 66,000,000

Intangibles Tax 25,000,000

Inheritance Tax 50,000,000

Other Taxes, Fees, etc. 130,100,000

Interest on State Funds 44,000,000

Property Taxes 2,900,000

RECEIPTS AND DISBURSEMENTS categories shown on these charts may differ from those in the official report of the State Budget Agency.

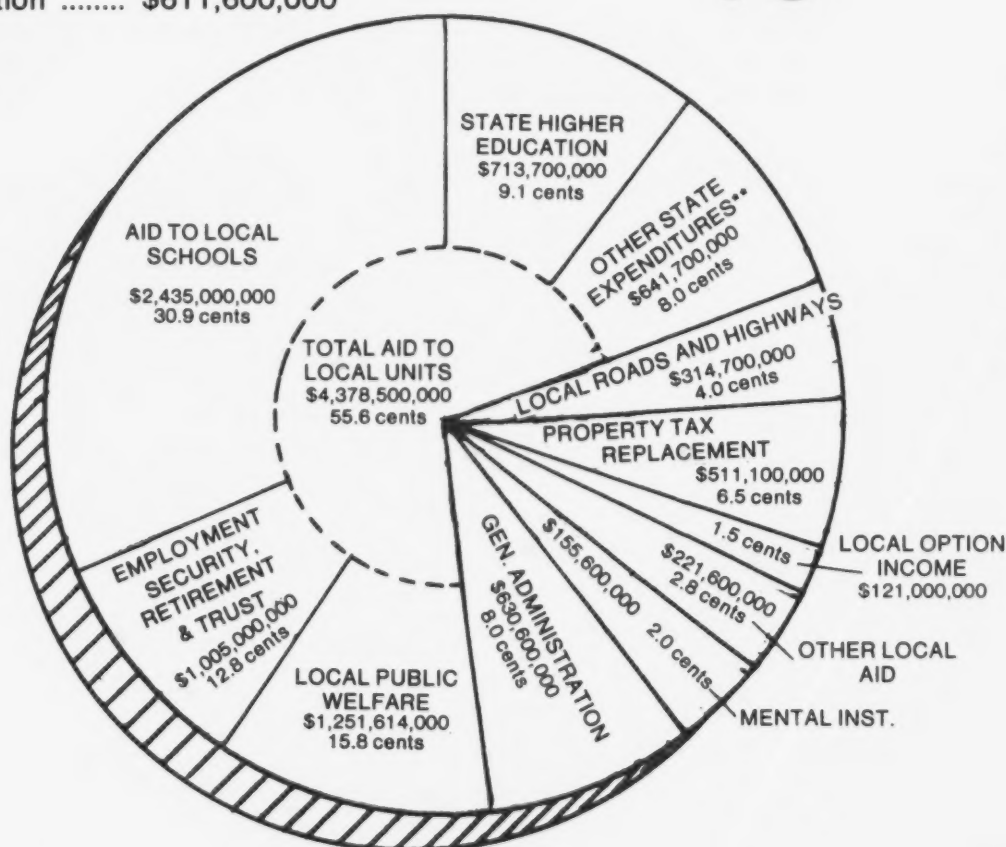
THIS CHART TELLS THE BASIC STORY of Indiana state government financing.
 Excluded are non-tax receipts and disbursements involving universities and colleges,
 State Fair Board, and certain rotary funds and trust funds.
 Both the income figures on the opposite page and the
 outgo figures on this page include federal funds.

TOTAL APPROPRIATIONS \$7,880,600,000

SPENDING FOR MAJOR PURPOSES 1986-87

Education (aid to local units, state
 universities) \$3,148,700,000
 Public Welfare \$1,277,507,000
 Transportation \$611,600,000

**GOES
 TO**



**"Other Local Aid" includes:

Local Option Income \$121,000,000
 Cigarette Taxes 17,500,000
 Alc. Bev. & Excise Taxes 10,600,000
 Intangibles Tax 7,600,000

***"Other State Expenditures" includes:

Natural Resources \$54,300,000
 Public Safety & Regulation 121,200,000
 Public Welfare Admin 58,500,000
 Correction Department 163,400,000
 Other Health Spending 100,700,000

dividual income tax rate to 3 percent, raised the sales tax rate to 5 percent and delayed the phaseout of the corporate gross income tax by two years. In 1984, property tax controls were loosened somewhat, and major modifications were made to the local income tax law.

The General Assembly in 1987 passed a series of measures that added up to a massive tax increase designed in part to fund education reform legislation. The 3 percent individual and corporate adjusted gross income tax was increased to 3.4 percent; the 4 percent corporate supplemental income tax was raised to 4.5 percent. The legislators halted the phaseout of the corporate gross income tax at the 1986 rates. In addition, another local income tax option was made available to counties, as was a limited local sales tax.

Following is a brief description of the sources of state government receipts. The description includes the changes made in the tax structure by 1973 legislation and modified by the 1977 through 1987 legislatures. The amount of the yield of each tax, as given in parentheses following each account, is estimated for the 1986-87 fiscal year.

Property Taxes: The state has withdrawn almost entirely from the property tax field. However, the state levies a tax of one cent on each \$100 of assessed valuation, primarily to assure review authority over local budgets, tax rates, and bond issues by the State Board of Tax Commissioners. It is collected by county treasurers and transferred to the state treasurer. (Yield: \$2,900,000.)

Motor Vehicle Taxes and Fees: Indiana levies a 14-cent tax per gallon of gasoline and a tax of 15 cents per gallon on other fuels used to propel motor vehicles, plus auto license plates, drivers' and chauffeurs' licenses, certificates of title, registration fees, etc. (Yield: \$628,300,000.)

Sales and Use Tax: The Indiana sales tax is collected on retail sales of tangible personal property, on utility sales, and on the furnishing of transient lodging for periods of less than 30 days. The 2 percent sales tax became effective Oct. 24, 1963; effective May 1, 1965, leases of tangible personal property became sales taxable. The rate of the tax was increased to 4 percent effective May 1, 1973 and to 5 percent effective Jan. 1, 1983. Food, prescription drugs and hearing aids and other such devices are exempted from the sales tax. Also exempt are items consumed in or directly used in the manufacturing process. (Yield: \$1,861,100,000.)

Gross Income Tax: This tax is imposed on the gross receipts of corporations after deduction of a \$1,000 annual exemption. The tax is imposed at two rates, 1.2 percent applying to gross receipts from utilities and from services and 0.3 percent applying to gross receipts from retail and wholesale sales not in interstate or foreign commerce. (Yield: \$470,000,000.)

Adjusted Gross Income Tax: This is a tax on the adjusted gross income (net income) of both individuals and corporations. The individual income tax rate is 3.4 percent (3 percent from Jan. 1, 1983 to June 30, 1987; 1.9 percent from Jan. 1, 1980 to Jan., 1, 1983; before that, 2 percent); the corporate income tax rate also is 3.4 percent. Incorporated taxpayers are subject to the gross income tax or the adjusted gross income tax, whichever is greater after computing both. Unincorporated business taxpayers are subject to the adjusted gross income tax and not to the gross income tax. Individual taxpayers and dependents receive a \$1,000 personal exemption; taxpayers may also claim a variety of other special exemptions depending on individual circum-

stances. Corporations are also subject to a supplemental net income tax based on their adjusted gross income minus the state income tax liability resulting from the imposition of either the corporate adjusted gross or the gross income tax, whichever is greater. The rate of the corporate supplemental net income tax is 4.5 percent. (Income tax yield from corporations and individuals: \$1,622,000,000.)

Alcoholic Beverage Taxes and Fees: This category includes gallage taxes on whiskey and other hard liquors, beer, wine, malt, etc., and license fees required for the manufacture and sale of these products. It also includes a special tax for the state institutional building fund. (Yield: \$43,000,000.)

Cigarette Tax: A tax of 15.5 cents per package of 20 cigarettes is levied. Also includes an annual distributors' permit fee of \$500 per distributor. (Yield: \$113,200,000.)

Insurance Taxes and Fees: Includes tax on net premium receipts of insurance companies operating in Indiana, license fees for agents, brokers and solicitors, and a tax on the gross premiums of out-of-state insurance companies licensed to do business in Indiana. (Yield: \$66,000,000.)

Intangibles Tax: An annual tax of 5 cents is levied on each \$20 of value of stocks in out-of-state corporations, bonds, securities and evidence of indebtedness. Those owing the tax pay it annually with their state income taxes. The 1979 legislature passed a law phasing out the tax over a 15-year period beginning Jan. 1, 1980. (Yield: \$25,000,000.)

Inheritance Taxes: Tax on transfer of real and personal property through inheritance, bequests, legacies, devises, successions and gifts. Rate of the tax varies according to amount of the inheritance. (Yield: \$50,000,000.)

Employer Unemployment Compensation Tax: Until 1982, the rate ranged from .02 percent to 3.3 percent on wages up to \$6,000 annually. In 1982 the minimum rate was 2.7 percent because of fund depletion, and a 20 percent surcharge was levied for 1983. In 1986-87 the rates ranged from 0.3 percent to 5.4 percent. Under the Indiana law the entire tax is paid by the employer. An "experience rating" system permits employers who provide steady work to qualify for the lesser rates, as established by a formula applied to each employer's employment record. (Yield: \$193,800,000.)

Other Taxes, Licenses, Permits: Includes professional licenses, transportation taxes, vessel tonnage taxes, fishing and hunting licenses, severance taxes, agricultural inspection fees, business licenses and other levies. (Yield: \$30,000,000.)

Federal Aid: Federal funds are distributed to assist the state in financing certain needs such as education, health, highways, natural resources, revenue sharing and welfare. (Yield: \$2,328,507,000.)

Interest on State Fund: Income is derived from funds invested by the state government. (Yield: \$44,000,000.)

Non-Tax Receipts: Includes funds from fines and penalties, unclaimed money, rental of property, charges for services, individual support in state institutions, sale of reports, regulations and other sources of income. (Yield: \$100,000,000.)

TOTAL REVENUES \$7,577,907,000

How the State Spends Its Money

State government expenditures fall into two major classifications. One, of course, consists of funds spent for state operations — the cost of general government, highways, state institutions, employment security benefits, preservation and development of natural resources, health and sanitation, and a host of other outlays. The cost of these services in the 1986-87 fiscal year are estimated to be \$3,502,100,000.

The second major item of expenditure is the system of state aid to local government. This system developed during the Depression period of the early 1930s and was expanded steadily until it now provides a very large share of the funds with which local government is operated. These funds supplied by the state are used to assist in the financing of schools, streets, public welfare and many other services. For fiscal 1986-87 they are estimated to be \$4,378,500,000.

The following table shows the estimated operating expenditures of Indiana state government from state and federal funds in the 1986-87 fiscal year, as classified by major functions.

Transportation: Maintenance and construction of state highway system. (Amounts to \$611,600,000.)

Benevolent and Correctional: Mental health, correctional institutions, children's homes, schools for the deaf and blind, State Board of Health, etc. (Amounts to \$588,900,000.)

State Higher Education: Indiana, Purdue, Indiana State, Ball State and Vincennes universities, University of Southern Indiana, Indiana Vocational Technical College, state higher education commission scholarships. (Amounts to \$713,700,000.)

State Judiciary System: Operation of state courts and the Judicial Study Commission. (Amounts to \$9,985,000.)

Public Welfare: Operation of the State Department of Public Welfare and outlays for public assistance. (Amounts to \$1,277,507,000.)

Legislative: Costs of the General Assembly, its staff and its year-around Legislative Services Agency activities. (Amounts to \$15,100,000.)

Public Safety and Regulation: Operation of the State Police, civil defense, certain regulatory boards, and the Indiana National Guard. (Amounts to \$121,200,000.)

Natural Resources: Fish and game protection, state parks and memorials. (Amounts to \$54,300,000.)

Retirement, Jobless Benefits and Trust Funds: Includes benefit payments to unemployed workers, administration of the Indiana Department of Employment and Training Services and outlays of state trust funds. (Amounts to \$1,005,900,000.)

In addition to the major expenditures shown above, Indiana sends state-collected funds (more than \$3.5 billion in 1986-87) to local units to provide money from sources other than the property tax for new and enlarged governmental services.

(NOTE: Some local aid distributions are also counted in the functional categories listed above.) The total includes:

Public Welfare (\$1,251,614,000.)

Old age assistance, Medicaid, assistance to dependent children and the administration of these programs in the counties. Does not include tax monies raised and spent locally.

Public and Mental Health Purposes (\$203,500,000.)

Includes distribution for a variety of health programs — family care of patients, mental health clinics, services for the retarded, U.S. Public Health programs, water pollution and air pollution control.

Distribution for Local Streets and Roads (\$314,700,000.)

Allocation to counties, cities and towns for maintenance and construction of streets and roads.

Alcoholic Beverage Taxes, Local Government Fees (\$10,600,000)

Represents distribution of licenses and fees from those in the alcoholic beverage industry and from gallonage taxes collected from purchases of alcohol. Distributed to counties, cities and towns to assist in defraying cost of local enforcement of alcoholic beverage laws.

Intangibles Tax to Counties (\$7,600,000.)

Represents 22.5 percent of the amount of collections from the general intangibles tax which is available for distribution. Goes to general funds of counties.

Aid to Local Schools (\$2,435,000,000.)

Includes state support for salaries of teachers, administrators and other professional personnel, current operating expenses, transportation of pupils, special education, vocational education, summer school and property tax relief.

Property Tax Replacement (\$511,100,000.)

A major tax reform which reduces local property taxes and replaces the lost revenue of local units of government with state monies.

Cigarette Tax to Cities and Towns (\$17,500,000.)

Represents that portion of the collections from a tax of 10.5 cents per package (new rate of 15.5 cents not yet effective) levied on cigarettes sold within the state, which is distributed to cities and towns on the basis of population.

Other Local Aid (\$185,900,000.)

The largest single item is \$121 million for the local option income tax, which is collected by the state and remitted to income-tax-adopting counties for property tax replacement and for additional spending. Also included here are partial salaries for county prosecutors and judges and funds for civil defense and law enforcement aid.

TOTAL DISBURSEMENTS \$7,880,600,000*

*Functional categories plus local aid total more than this amount. (Some local aid is also counted in functional categories.) Does not include non-tax disbursements of state educational institutions, disbursements of the State Fair Board, and disbursements from certain rotary funds held in trust by the state.

Indiana Congressional Representation

□ Indiana is represented in the United States Congress by two senators (as is every state) and 10 members of the House of Representatives.

Nominees for the U.S. Senate, formerly selected at state conventions of the respective political parties, now are selected by primary election. The senators are elected by popular vote of the state as a whole. They serve for six-year terms.

Members of the House of Representatives serve two-year terms. They are nominated from individual districts in the primary and each is elected by the voters of that district.

Following the decennial U.S. Census, each state is advised as to how many persons that state is entitled to send to the 435-member House of Representatives, based on the state's population with relationship to the total national population. The censuses of 1940, 1950, 1960 and 1970 all showed that Indiana was entitled to 11 representatives.

The relationship of Indiana's population to that of the nation remained relatively stable during that period, but the shifts of population within the state resulted in increasing variances in the population of Indiana districts. Based on the 1960 census, the population ranged from 697,567 in the 11th District (Marion County) to 290,596 in the 9th District.

In 1965 the legislature enacted a reapportionment bill setting out new districts which were much more equal in population; however, they did not meet federal requirements. Early in 1968, a federal district court in Indianapolis created new districts with lesser variances from the "equal population" ideal.

Meanwhile, the legislature in 1969 had passed a bill calling for the revision of districts after the 1970 U.S. census into areas that would have population variances of no greater than 2 percent from the ideal. The 1971 General Assembly then enacted a reapportionment bill which created districts varying less than .2 percent from the ideal proportions. The bill was tested in Marion County Superior Court 3 in a suit brought by the Republican state chairman and was ruled to be constitutional.

Indiana's population growth rate during the decade 1970-80 did not match the average for the nation, and was well below the rate for the fastest-growing states. As a consequence, the U.S. Bureau of the Census figures for the 1980 census caused Indiana to lose one of its 11 Congressional districts. A map dividing Indiana into 10 districts was approved by the legislature in 1981. Challenges were mounted to the apportionment formula but failed to effect any changes.

Current Circumstances. The annual salary for members of the Senate and members of the House is the same: \$89,500. Senators are limited in the amount of outside income they can retain from such activities as speeches, appearances and articles to 40 percent of their salary. The retained outside earned income of representatives is limited to 30 percent of salary.

Members of Congress have an office in Washington and one or more offices in their home areas. They receive salary allowances for staff personnel, with a limit based on the number of constituents. Each of the two Indiana senators is allowed a total of \$1,147,657 annually to provide for regional and Washington office salaries; no staff limit is set. Each of the 10 representatives is allowed \$406,560 annually for up to 18 full-time staff members and four part-time/temporary workers.

SENATORS

Richard G. Lugar (R), Indianapolis (term expires January, 1989).

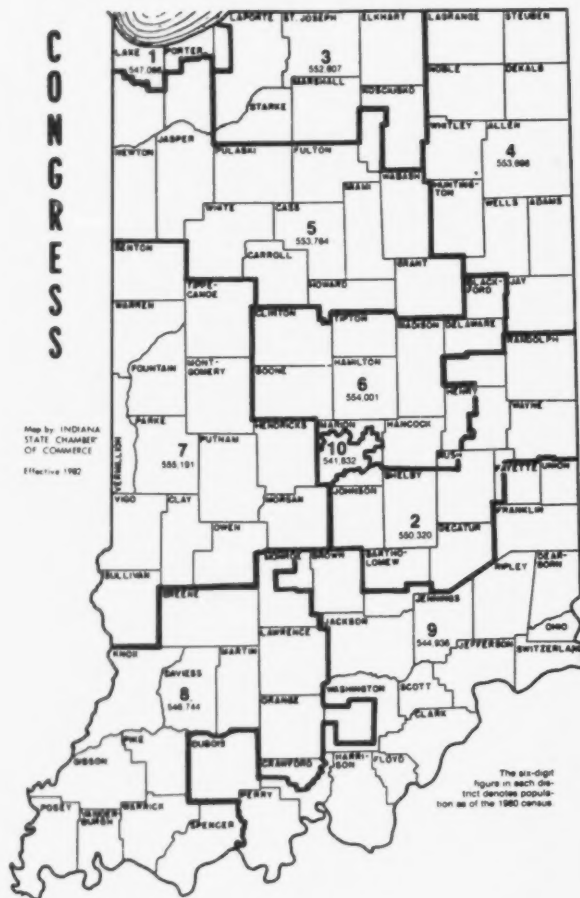
J. Danforth Quayle (R), Huntington (term expires January, 1993).

REPRESENTATIVES

All terms expire January, 1989)

- | | |
|------------|---|
| 1st Dist. | — Peter J. Visclosky (D) , Merrillville |
| 2nd Dist. | — Phillip R. Sharp (D) , Muncie |
| 3rd Dist. | — John P. Hiler (R) , La Porte |
| 4th Dist. | — Daniel R. Coats (R) , Fort Wayne |
| 5th Dist. | — James Jontz (D) , Brookston |
| 6th Dist. | — Dan Burton (R) , Indianapolis |
| 7th Dist. | — John T. Myers (R) , Covington |
| 8th Dist. | — Francis X. McCloskey (D) , Bloomington |
| 9th Dist. | — Lee H. Hamilton (D) , Columbus |
| 10th Dist. | — Andrew Jacobs, Jr. (D) , Indianapolis |

CONGRESSIONAL DISTRICTS



LOCAL GOVERNMENT IN GENERAL

□ Local government in Indiana functions through a pattern of interlocking and often overlapping governmental units, districts and jurisdictions.

The major local governmental units, from the geographical standpoint, are counties, townships, cities and towns. The governmental organization within and among these geographical units is much more complex, however, than a simple study of their boundary lines would indicate.

Local units of government are authorized to cooperate in the performance of special duties or functions such as flood protection, schools, police and fire protection, highway or street construction, and planning administration. In such arrangements the administrative setup is worked out by agreement of the cooperating units of government and the legality of the agreement then is determined by the attorney general.

Until recent years, local units of government were totally "creatures of the legislature," possessing only those powers granted by the General Assembly. They were dependent on the General Assembly to resolve their individual problems by means of "special legislation" statutes, each applying to one or a few local units of government. The concept of home rule applied only in a limited sense.

The General Assembly in 1978 created a three-year Local Government Study Commission to recommend legislation granting true home rule to local government in Indiana. This commission produced one package of 14 bills, enacted in 1980, and a second package of 18 bills and two resolutions for the 1981 session, of which all important elements were enacted. Keystone of the commission's proposals was a law stating that local units of government may exercise any powers not specifically denied to them or reserved to the state. Many statutes relating to local government were repealed; the remainder were recodified and consolidated into a new title added to the Indiana Code: Title 36. The statutory life of the Local Government Study Commission expired on schedule as of June 30, 1981.

The following pages carry descriptions of local government organization, including functions and services, and the powers and duties of local officials. In each case the "standard" unit of government is described, with the understanding that instances of variation from the standard do exist throughout the state.

All of the units listed derive their authority from the Indiana Constitution and Acts of the General Assembly.

Counties

Counties are responsible for the administration of county

governmental affairs, including functions such as law enforcement in rural areas, maintenance of county highway systems, operation of county institutions, collection of taxes, keeping of records, operation of court systems, the conducting of voter registrations and elections, landfill operations, emergency medical services, administration of public welfare programs and related services. County jurisdiction is coextensive with county boundary lines. Administrative duties are divided among various elected or appointed county officials. The Board of County Commissioners has both administrative and legislative powers while the County Council is a legislative body with its responsibility confined almost exclusively to the fiscal affairs of the county.

Civil Townships

Civil townships are responsible chiefly for the financing and administration of poor relief, the assessment of real and personal property for taxation purposes and certain other minor functions. Jurisdiction is coextensive with township boundary lines. The chief administrative official is the township trustee and the legislative body is the Township Board.

School Townships

School townships exercise the functions of financing (through local taxes supplemented by state grants) and administering the township public school systems. Excluded from the school township units are areas served by county school units and areas within the geographical townships which are served by town, city and metropolitan area school units. The township trustee is the chief administrative official of the school township as well as of the civil township.

Civil Cities

Civil cities are responsible for the administration of civil affairs of cities, including maintenance of streets, police and fire protection, regulation of traffic, maintenance of recreational facilities and public health programs, maintenance of sewage disposal and sanitation facilities and related services. The mayor is the chief administrative official and the City Council is the

legislative body. With minor exceptions, jurisdiction is coextensive with city boundary lines.

Civil Towns

Civil towns are responsible for administration of civil town affairs such as maintenance of streets, policing, fire protection and related services provided by town government. Administrative and legislative functions of town government are carried out by the Board of Town Trustees and subordinate officials.

School Cities

School cities are responsible for the operation of city school systems in those cities which maintain their own school systems. School city affairs are administered by Boards of School Trustees or commissioners and their appointees. Members of the school boards are appointed by the City Council or the mayor or are elected by popular vote, depending on the state statute under which they operate.

School Towns

School towns are responsible for the administration of town school systems in towns that maintain their own school systems. Administrative and legislative functions of the school town rest

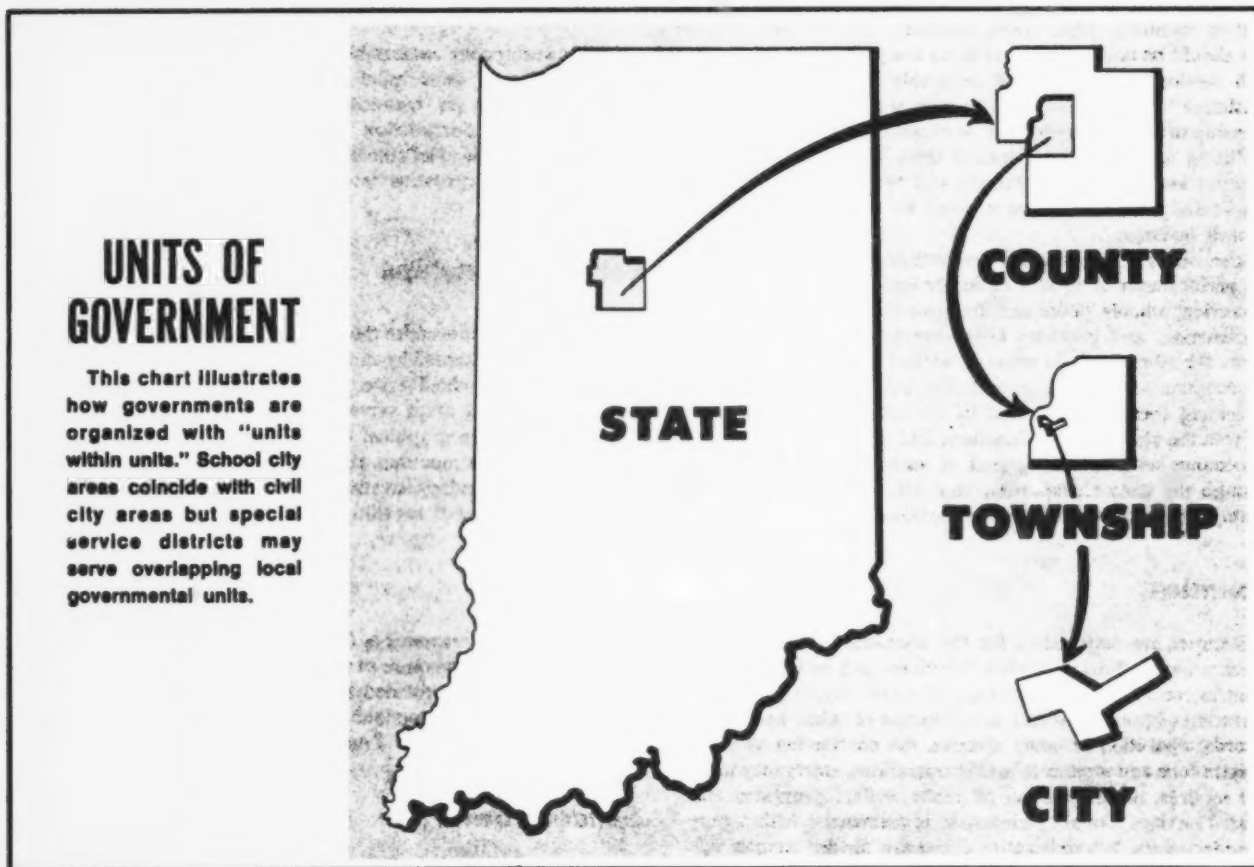
with the Board of School Trustees, members of which are appointed by the Board of Town Trustees.

Special Districts

Special districts to provide specific governmental services are sometimes superimposed upon the major governmental units. These districts include airport, road, drainage, horticulture, sanitary, health and hospital, library, lighting, sewer, park, conservancy, harbor, public utility, court, flood prevention, levee authority, capital improvement authority, thoroughfare, water sewage and waste disposal. Such districts, maintained as the case may be in conjunction with township, town, city or county governments — or a combination of such governments — are organized to finance and provide special services and to meet special needs.

Election Districts

Without reference to the boundaries of governmental units, districts and jurisdictions, other districts have been established for the purpose of electing legislative and judicial officers, including congressmen, state senators, state representatives, county commissioners, county councilmen and judges. These election districts provide for representative government where the geographical units of local government (principally due to wide variation in population) do not properly lend themselves to this purpose.



COUNTY GOVERNMENT

□ **General.** The establishment of smaller units of government within the states was a practice brought to this country by the early settlers. It was a means of giving people a source of governmental authority close at hand in the days when travel was difficult and tedious. After the original states agreed to form a new union, the practice of creating county units was continued in the new states carved out of the Northwest Territory. In Indiana, the boundaries of all 92 counties were set by 1859. There is authority in the Indiana Constitution to create new ones, but none has been established since that year.

Indiana's county boundaries were set arbitrarily, without reference to population or to area. County populations in 1980 ranged from 765,223 in Marion County to 5,114 in Ohio County, the average being 59,676. (The 1970 average was 56,453.) The total land area in Indiana expressed in square miles is 36,180; county areas range from 671 square miles in Allen County to 87 square miles in Ohio County, the average being 393.

Seven county officers are provided for by the Indiana Constitution. They are: clerk of the circuit court (commonly called the county clerk), auditor, recorder, treasurer, sheriff, coroner and surveyor. The judge of the circuit court and the prosecuting attorney for each judicial district — which may encompass one county or a combination of counties — also are constitutional officers. The functions and duties of such officers are established by general law enacted by the legislature. Authority is granted to the Board of County Commissioners in each county to establish certain other offices. The general pattern as authorized by the legislature is essentially the same for all counties.

This pattern was altered, however, when the legislature created a unified form of city-county government for Indianapolis and Marion County. This hybrid creation became effective on January 1, 1970, and was promptly dubbed Unigov. A second departure was the reorganization in 1973 of government in St. Joseph County. The legislature prescribed the powers and duties to be exercised by the county commissioners and the county council, set out the exact manner of election of each body and increased the number of members of the council. Laws enacted during 1980 and 1981 made the St. Joseph County form of government applicable to Lake County, and also made it available optionally to the other counties in Indiana.

County Powers. The "home rule" law enacted in 1980 granted to Indiana counties "all the powers that they need for the effective operation of government as to local affairs." Counties now have no limits on their powers except for certain powers reserved to the state (see next paragraph). All salary minimums for county officials were repealed; salaries are now set individually in each county by the County Council on the recommendation of the county commissioners. The laws authorizing such posts as county purchasing agent and data processing boards were repealed also, giving counties free rein to determine for themselves all such matters of personnel and operational procedures.

Powers Reserved to State. The "home rule" revisions still reserve certain powers to the state. Counties are denied the power to: (1) condition or limit their civil liability, except as expressly granted by statute; (2) prescribe the law governing civil actions between private persons; (3) impose duties on another political subdivision, except as expressly granted by statute; (4)

impose a tax, except as expressly granted by statute; (5) impose a license or other fee greater than that reasonably related to the administrative cost of exercising a regulatory power; (6) impose a service charge greater than that reasonably related to the cost of the service provided; (7) regulate conduct that is regulated by a state agency, except as expressly granted by statute; (8) prescribe a penalty for conduct constituting a crime or infraction under statute; (9) prescribe a penalty of imprisonment for an ordinance violation; (10) prescribe a penalty or a fine of more than \$2,500; (11) invest money, except as expressly granted by statute.

In all counties except Lake, St. Joseph and Marion the county commissioners are directed to enact ordinances by strict procedure, including the mandate for passage by majority vote (or two-thirds, where specified by law) of all elected commissioners instead of those present. The statutes provide that in Lake and St. Joseph counties the provisions apply to the county councils instead of the county commissioners and in Marion County to the City-County Council.

Board of County Commissioners

Each county (except Marion County — see section on city government) is governed by a board of three county commissioners. In all except Lake and St. Joseph counties, the commissioners are elected from separate commissioner districts by vote of the county as a whole. A prospective commissioner must reside in a certain district but be elected by a majority vote of the county. In Lake and St. Joseph counties, however, each of the three commissioners is elected by the voters in a given district. Commissioner districts must be redrawn at least once every 10 years, and may be redrawn in any odd-numbered year.

The terms of office of county commissioners are four years on a staggered basis. In general, the Board of County Commissioners is responsible for the administration of all county business. The commissioners may enact ordinances to meet local conditions and exercise other authority vested in the board by the legislature. The base salary for the commissioners is established by the salary ordinance.

General Powers and Duties. Examples of the powers and duties exercised by the Board of County Commissioners include:

1. Controlling, maintaining and supervising county property including the courthouse, the county home, hospitals, library, jail, and the equipment and facilities incident thereto.
2. Auditing and authorizing of claims against the county.
3. Receiving bids and authorizing contracts.
4. Supervising construction and maintenance of roads and bridges, including the power to establish a cumulative building or sinking fund to provide for the building and repair of bridges, to establish county highway right-of-way widths, and to authorize the preparation of maps of county roads and the installation of road signs where there is no County Plan Commission to exercise this authority.
5. Exercising the county's power of eminent domain.
6. Performing certain election functions including the establishment of precincts, the providing of polling places (with an effort to make accessible to physically handicapped), and the

necessary equipment.

7. Appointing county and township officials as authorized by law, including the filling of vacancies. (However, most vacancies in elective offices are filled according to IC 3-13-7.)

8. Preparing that part of the annual budget over which county commissioners exercise direct control.

9. Serving, with the county surveyor, as members of the County Drainage Board (see section on that agency).

10. Altering of township boundaries.

11. Recommending to the County Council the amount of salary to be paid to each county officer and also the hiring (number and compensation) of their deputies and other employees.

12. Issuing of bonds or notes in connection with the borrowing of money for the county (subject to approval of County Council).

13. Supervising admission of indigent persons to county homes upon application of the township trustee. In counties where the operation of a county home has been discontinued, the Board of Commissioners is authorized to contract with private institutions or county homes in other counties for the maintenance and care of indigents.

14. Granting financial aid to hospitals owned and operated by benevolent institutions within counties that have no county hospital. In any county not having a licensed hospital, the county commissioners may appropriate funds to be contributed toward the construction, equipping or operation of a county-owned and county-operated hospital in an adjacent county. The citizens of such contributing counties are to be accorded the same rights and privileges in such a hospital as are the citizens of the county in which the hospital is located (subject to approval of County Council). In counties which have first-class or second class cities, the commissioners may exercise power of condemnation to acquire land for general non-profit hospital corporations. The commissioners may also contract with not-for-profit corporations for health and community services not specifically provided by a governmental agency or department.

15. Leasing county-owned land for the purpose of mining gas and oil.

16. Establishing county dog pounds, county rabies control projects and county dumps.

17. Fixing and posting speed limits and yield or stop signs on any street, road, highway or dangerous railroad crossing within their jurisdiction.

18. Authorizing financial assistance to non-profit community psychiatric clinics or other community facilities and services for the mentally ill.

19. Passing ordinances incorporating towns.

20. Levying a county-wide property tax for schools.

21. Levying taxes to provide funds for erection of new jails and the repairing, remodeling and enlarging of old jails.

22. Furnishing of financial assistance to any community center for the mentally retarded located in the county. (For this purpose, a tax of up to 10 cents on each \$100 of taxable property may be levied.)

23. Regulating electrical contractors (Lake and Marion counties only). Contractors licensed by any city within the counties are exempt.

24. Establishing minimum standards for plumbing and plumbing systems. Serving in a consultant capacity to the Board of Commissioners in this function is an advisory committee which includes the county health officer or a health department employee and representatives of the plumbing and construction industries.

25. Establishing and maintaining an adequate system of books and records of the county highway department as prescribed by the State Board of Accounts.

26. Designating preferential county highways and erecting stop signs at intersections.

27. Adopting fire prevention ordinances.

28. Contracting with private persons or corporations for ambulance service. Fees may be collected for such service. Fees may also be collected for ambulance service provided through fire or police departments.

29. Establishing and operating facilities for the collection and disposal of refuse — the method of disposal to be regulated by the Department of Environmental Management.

30. Enacting ordinances to require persons who own or lease property outside the corporate limits of any city or town, on which is located a building or buildings used for residential or business purposes, to connect to available sewer systems, and to regulate the manner and method of disposal of domestic or sanitary sewage by private methods.

31. Providing highway construction and maintenance on behalf of cities and towns within the county, if so authorized.

32. Adopting ordinances and regulations to control the location, construction, or repair of all wells within the county.

33. Making appointments to boards, commissions and other agencies, as provided by law.

34. Providing park and recreation facilities.

35. Furthering economic development.

36. Providing veterans' services.

37. Furthering redevelopment of land.

38. Providing county fair and 4-H projects.

39. Preserving cemeteries having no resources.

40. Providing housing and building regulation.

41. Assisting public transportation facilities.

42. Providing zoning and planning.

Meetings Monthly. The law provides for the holding of regular monthly meetings by the Board of County Commissioners. In many counties they meet more frequently. The schedule for regular meetings must be set at the first meeting in January.

Serves as Finance Board. In every county except Marion the Board of County Commissioners serves as a County Board of Finance, with the auditor serving as secretary. In Marion County the county treasurer, the county auditor, the county assessor, the mayor of Indianapolis, the city controller and the president of the board of school commissioners serve as the County Board of Finance.

The Board of Finance has general supervision over all funds of the county. Its specific functions are:

1. To designate banks as depositories of county funds after inviting the banks of the county to make their proposals to become depositories.*

2. To receive monthly statements from all depositories. (The board may at any time revoke the commission of any depository, subject to the latter's right to appeal in the Circuit or Superior Court.)

3. To make statements to the State Board of Depositories which manages the Indiana Public Deposits Insurance Fund.

Commissioners Authorize Warrants. No warrant may be drawn by the auditor and no funds may be paid out of the county treasury in payment of any claim unless the warrant is fully itemized and its correctness verified by the claimant (or someone on behalf of the claimant) and filed with the auditor more than five days before the first day of the session of the Board of County Commissioners at which payment is to be con-

*All banks in which public funds are deposited must insure the safe-keeping of such funds in the Public Deposits Insurance Fund. (See index.)

sidered. This review is not required on claims schedules for recipients of aid from the County Welfare Department. Such claims do not require the approval of the Board of County Commissioners.

Adopt Rules. The Board of Commissioners must adopt regulations for the transaction of business, and in the trial of cases it must comply, so far as practicable, with the rules for conducting business in the Circuit Court.

General Powers. The commissioners in their respective counties have the power at their meetings:

1. To make orders respecting the property of the county in conformance to law; to sell the public grounds of the county upon which the public buildings are situated, and to purchase in lieu thereof, in the name of the county, other grounds in the county seat on which such buildings may be erected; to purchase other lands for the enlargement of the public square, and to take care of and preserve such property. (See County Council.)

2. To allow all accounts chargeable against such county now otherwise provided for.

3. To audit the accounts of all officers having the care, management, collection or disbursement of any monies belonging to the county or appropriated for its benefit, but only in conformity with existing law.

4. To grant licenses or franchises with respect to the use of county property.

Maintain Courthouse, Offices, and Jail. The commissioners are responsible for the furnishing and maintenance of a courthouse, jail and public offices for the elected county officials. All records and papers required by law to be made by such offices must be kept and preserved and delivered to the respective successor of each office.

Audit Books. The Board of Commissioners must audit the books of the county treasurer and the county auditor, and compare the allowances with the stubs, vouchers or registers of warrants drawn by the auditor in payment of such allowances.

The board also shall examine all warrants redeemed by the county treasurer and turned over to county auditor, for which the county treasurer claims credit, with the corresponding stubs, vouchers or register, seeing that such warrants are properly cancelled so they cannot again be put in circulation and that a proper accounting has been made between such officers of all funds. (In practice this function is exercised by the State Board of Accounts.)

May Alter Townships. In keeping with its original power to lay out and divide the county into any number of townships which the convenience of the citizens requires, the Board of County Commissioners may make alterations in the number, names, and boundaries of townships. However, no township may be abolished or present boundary lines altered unless a majority of the freeholders of the township affected sign a petition requesting the Board of County Commissioners to order such change or abolishment.

The General Assembly has made special provision for re-establishing the boundaries of townships when a portion of the township becomes the property of the State of Indiana or of the United States.

Issuance of Bonds. Whenever it is necessary to construct, complete or repair the court house, jail or other county buildings or construct grade separation structures, or whenever it may be desirable to fund or average any existing debt incurred for

county purposes where revenues afforded by reasonable taxation are insufficient, the county commissioners acting with the County Council may borrow money for that purpose. However, the total bonded debt of a county may not exceed 2 percent of the assessed valuation of the real and personal property of the county, and bonds can be issued only in accordance with restrictions and under conditions set up in statutes governing such actions. (See County Council.)

The Board of County Commissioners may, at its discretion, provide for the payment of interest on issues of bonds in annual or semi-annual installments. (See County Council.)

The Board of Commissioners provides, by taxation, for the annual payment of the interest accruing on all bonds sold. (See County Council.)

Alter Watercourses. The Board of County Commissioners has the power to straighten or change the course, direction or location of the channel of any stream or body of water, and to change any watercourse or the flow of any stream or body of water within the limits of the county. However, this power is limited by rule and regulation of the Indiana Department of Natural Resources.

The commissioners are empowered to authorize the county highway supervisor to use county equipment on private property for ditching, grading or hauling gravel for roads when the equipment is in the vicinity of such property. A schedule of charges is established for this work.

Establish Parks. The Board of Commissioners is authorized to purchase or otherwise acquire county lands for park purposes or to accept, on behalf of the county, any lands which may be granted or conveyed to the county for park purposes, and to make the necessary improvements thereon. (See County Council.)

The commissioners may establish parks or recreation centers in cooperation with cities, towns, and school corporations, and the Boards of Commissioners of two or more counties may create joint parks.

Construct Public Halls. The Board of County Commissioners has the power to construct and maintain public halls and has power to purchase real estate on which to locate such halls and to raise the revenue necessary by levying a tax on all property in the county subject to taxation. (See County Council.)

County commissioners also are authorized to join with the County Council and the City Council of the county seat in the formation of a County Building Authority. Such an authority is empowered to finance, construct and manage buildings for public or governmental purposes.

Construct War Memorials. County commissioners may establish memorials, parks, and artificial lakes as world war memorials, either singly or jointly with any city within the county.

Erect Historical Markers. The county commissioners may provide for erection of historical markers upon petition received from local civic or historical organizations. Such markers and the inscription must be approved by the Indiana Historical Bureau.

Leasing of Surplus County Real Estate. County commissioners have the power to lease surplus real estate belonging to the county for any public use approved by the commissioners, including constructing, maintaining and operating recreational facilities, such as public golf courses and public swimming pools, all at the lessee's expense, provided that all improvements made to the leased real estate shall become the

property of the county on termination of the lease. Prior to the execution of such a lease, the real estate must be properly appraised and a public hearing held.

Property Sale by Public Auction. The Board of County Commissioners may not sell any county personal property with a value of \$500 or more, except at public auction.

Sale of Property to State. Whenever any county owns any real estate upon which is situated any court house, public office building, or any other building used for public purpose, which the State of Indiana may desire to buy, the Board of Commissioners may sell this real estate to the State of Indiana.

Poor Relief Duties. If any person is believed to be entitled to assistance for the poor and the township trustee refuses to provide such assistance, the Board of County Commissioners must grant such person a hearing if requested and, if it deems proper, direct the trustee to grant aid.

Any applicant for poor relief or any county taxpayer has the right of an appeal from the findings of the Board of County Commissioners to the Circuit Court or Superior Court of the county on the granting or rejection of any application and the modification of, or failure to modify, any award.

The Board of Commissioners is authorized to estimate the amount of township poor relief money which will be required for the next 12-month period in excess of the amount which can reasonably be advanced out of the county general fund for that purpose. The commissioners may include their estimate of such funds in the general fund budget and the County Council may appropriate for such advancement in the budget and levy adopted by the council. The Tax Adjustment Board must include the additional amount in the final tax levy for the general fund.

The Board of Commissioners is directed to settle with the overseers of the poor (township trustees) in the several townships within the county at least once in every year.

Regulate Food Establishments. County commissioners may regulate and establish minimum standards for the operation of food establishments. The ordinances must not conflict with those issued by the State Board of Health and are not effective in cities and towns maintaining their own health departments unless they elect to come under such ordinances.

The commissioners also are authorized to regulate other health factors outside the corporate limits of cities and towns.

Relocate and Vacate Highways. Power to change, vacate or open any highway in any township is vested in the county commissioners under specific regulations as to the petition, notice, appointment of viewers and assessment of damages.

Burial of Soldiers, Sailors and Marines. County commissioners are authorized to provide for the burial of members of the armed forces who have received honorable discharges and also for the spouse of the honorably discharged veteran. The maximum allowance is \$100.

Purchase of County Forests. The county commissioners may levy taxes for the purchase and maintenance of county forests.

Community Mental Health Centers and/or Retardation Centers. County commissioners are authorized to appropriate money to assist in construction and operation of community mental retardation and psychiatric treatment centers.

County Cemetery Commission. Authority is given county commissioners to appoint a five-member County Cemetery Commission and establish a tax base in order to restore and maintain cemeteries established before 1850 which are without funds or sources of funds.

County Council

The financial powers of counties are placed in the County Council which serves as a check on the Board of County Commissioners. For the purpose of electing county councilmen, the county is divided into four council districts, from each of which one councilman is elected. (Redistricting of county council districts — except in Marion County — is required at least once every 10 years, and may be done in any odd-numbered year.) In addition, three councilmen are elected from the county at large, making a total of seven.

Exceptions to this exist, however, in Marion and St. Joseph. Marion County has a combined City-County Council of 29 members (see City Government). St. Joseph County has a county council of nine members, each to be elected from a single-member district for a four-year term.

Although provision was made for redistricting councilmanic districts in Lake County in 1973, the number of districts remained at four, and the pattern of election remained the same — one councilman for each district elected by the voters of the district and three councilmen at large, elected by and representing the voters of the whole county.

Law requires the staggered election of district and at-large councilmen to four-year terms.

Makes Appropriations. The County Council is responsible for appropriating the funds used by the county and its officers. All payments from the general or any special fund to be used by the county or the Board of Commissioners for any purpose other than the mere allocation of funds of the state or federal government must be appropriated by the County Council before the expenditure can be made. This authority gives current fiscal control to the County Council over all county officers, boards and commissions.

Option to Adopt Local Income Tax. Each county has the power to impose local income taxes. The County Council may adopt by ordinance the county adjusted gross income tax (CAGIT) at the rate of either $\frac{1}{2}$ percent, $\frac{3}{4}$ percent or 1 percent. The rate for employees living in another county that has not adopted the local income tax is $\frac{1}{4}$ percent. By passing an ordinance prior to April 1 of any year, a county council can impose the local income tax to be effective on July 1 of the same year.

Proceeds from the tax are generally distributed to local units within the county in the same manner and proportion as property tax revenues. A portion of the CAGIT funds is earmarked for property tax relief, with the remainder to be used for additional expenditures.

Another local income tax is the county option income tax (COIT). The tax is adopted by the fiscal bodies of the county and of each city and town located in the county, each having a vote equal to its proportionate share of the county population.

The tax is imposed initially at the rate of .2 percent and increases by .1 percent annually until it reaches .6 percent. The same fiscal bodies that imposed the tax can then vote to increase it from .6 percent to 1 percent. Non-residents working in a

COIT county pay $\frac{1}{4}$ percent of the rate of residents. The tax may be frozen at any rate. Distribution of proceeds is based on each unit's share of the total property tax levy in the county. The revenue may be used for expenditure needs and/or property tax relief.

A third county income tax, enacted by the General Assembly in 1987, is the economic development income tax (EDIT). The County Council may impose the tax at a rate not to exceed $\frac{1}{2}$ percent. EDIT revenue must be used for economic development projects and the tax may be in effect at the same time as CAGIT or COIT, whichever the county may have chosen to adopt.

Option to Adopt Excise Surtax and Wheel Tax. The county council may adopt a county motor vehicle excise surtax to be imposed on automobiles, motorcycles and trucks weighing less than 11,000 pounds, and a county wheel tax to be imposed on other vehicles, under authority given to it by IC 6-3.5-4 and IC 6-3.5-5. Both taxes must be adopted concurrently, and monies collected may be used only to construct, reconstruct, repair or maintain streets and roads. A portion of the monies collected is distributed to the cities and towns in the county.

Functions. The functions of the council include:

1. The exclusive power of fixing the rate of taxation for county purposes and for all other purposes where the rate not fixed by law is required to be uniform throughout the county, and impose the tax levy.

2. The exclusive power of making appropriations to be paid out of the county treasury.

3. The adoption of the annual budget after receiving estimates submitted by the various county agencies through the county auditor, subject to the modification by the County Tax Adjustment Board (if one exists) and the State Board of Tax Commissioners.

4. The authorization of incurring county indebtedness within the constitutional limitations.

5. The appropriation of additional funds in cases of emergency arising after the budget is adopted.

6. The reappropriation of surplus funds which might be surrendered by one department of county government in order that the funds might be made available to another department.

7. The transfer of balances in dormant funds to the county general fund.

8. The fixing of salaries of officers, deputies, assistants and employees whose salaries are payable from any county fund, with certain exceptions as provided by the statutes granting this authority. Reference is made to a 1971 law (P.L. 231), as amended in 1972 (P.L. 118) and in 1973 (P.L. 262). County councils have authority to fix the number of deputies, assistants and other employees whose salaries are payable from county funds, and also the salaries of certain township officials (see Township Advisory Board).

Approve Real Estate Sale. The sale of any real property of the county having an appraised value of \$10,000 or more must be approved by the County Council, as must every lease of real property for which the total annual rental payments will be \$3,000 or more. For real estate which is estimated to cost \$25,000 or more, the County Council must pass a resolution expressing interest in the proposed purchase before the commissioners may convey the property. For a purchase of land only, the County Council must pass an authorization ordinance when the land is valued at \$1,000 or more.

Budget Estimate Form Required. The Board of Commissioners must submit its budget to the County Council as follows:

1. Expenses for each building or institution maintained or supported by the county, such as court house, county home, work house, jail, or other building or institution of whatever character, maintained or supported in whole or in part by money paid out of the county treasury.

2. Amount required for building and repairing bridges, itemizing the same by giving location and cost of each bridge.

3. Salary of the county attorney.

4. Amount of salary or compensation of pauper attorneys, if any.

5. Expenses of the County Board of Health.

6. Amount for repair of roads, exclusive of bridges, itemized by location and the amount for each repair project.

7. Amounts required for election expenses, showing estimated number of precincts, and by separate items, the amounts required for expenditure in each.

8. Amounts required for paying principal and interest of bonds and loans maturing during the ensuing calendar year, itemizing the amount required for each loan and issue of bonds.

9. Amounts required to pay judgments, settlements and costs.

10. Expenses of supporting inmates of benevolent or penal institutions.

11. Amounts required for publication of delinquent tax lists.

12. Amounts required for the compensation of employees to be paid from the county treasury.

13. Amounts required for the payment of expenses of County Board of Review.

14. An itemized list of all other expenditures to be made by the board, or pursuant to its order, during the year for which the appropriation is to be made.

Borrowing Money. The County Council has the exclusive power to authorize the borrowing of money for the county, but the total amount of county indebtedness may not exceed an amount equaling 2 percent of the assessed valuation of the county, less the total of all mortgage exemptions.

ELECTIVE COUNTY ADMINISTRATIVE OFFICIALS

County Auditor

The county auditor is a constitutional officer, elected for a four-year term from the county at large but prohibited from serving more than two terms within 12 years.

The auditor serves as secretary of the Board of County Commissioners, keeps the accounts, and issues warrants for the payment of claims. The auditor also serves as secretary of the County Board of Review and secretary of the County Council and is responsible for all documents, books, records, maps and papers deposited in the office of the auditor.

The auditor is the fiscal officer of the county. Duties include preparing the annual tax duplicate showing the value of property and the taxes assessed against each taxpayer. The auditor is required to provide, not later than August 1 of each year, to the clerk or corresponding officer of each municipal corporation in the county, estimates of assessed valuations and estimates of taxes to be received. After taxes are collected (by the county treasurer), the auditor distributes the funds to the governmental agencies for which they are collected.

The county auditor prepares plats of each civil township divided into sections, quarter sections, grants, divisions, subdivisions, lots or parts of lots as may be necessary to show the ownership and the assessed valuation of each parcel. (Plats are made by the township assessor when a township has a population of

35,000 or more or includes a second class city.) Such plats are required to contain such information as is prescribed by the State Board of Tax Commissioners and shall at all times be kept current. With the consent of the tax commissioners, the county auditor is permitted to establish an index number system for listing real estate for purpose of assessment and collection of taxes. Any numbering system that is approved must be implemented and used only on a county-wide basis; the auditor shall furnish such information to all assessing officers within the county.

The auditor writes and signs checks as authorized by the State Department of Public Welfare for recipients of assistance under the welfare programs. Another duty is to issue calls for the redemption of outstanding county orders or indebtedness when the treasurer has funds for such redemption. The auditor also has the authority to appoint deputies and to prepare tax duplicates for other taxing units in the county.

Report on Poor Relief. The auditor must report annually to the Board of County Commissioners on the first day of its regular September meeting the amount advanced to the overseers of the poor (township trustees) during the preceding seven months, and an estimate of unpaid poor relief obligations outstanding for the current calendar year.

The auditor must keep a debit and credit account with each civil township, showing the amounts received on the poor relief tax levy and the amounts advanced by the Board of County Commissioners to the overseers on account of the relief and burial of the poor. It is the auditor's duty to balance the accounts immediately after the first of January each year.

The auditor must also keep a copy of the county welfare rolls open for public inspection, showing the names and addresses of all welfare recipients together with the total amount paid to each.

Tax Delinquency Lists. The county auditor is required to furnish a list (to the state auditor, State Highway Commission and trustees of the various state institutions) of persons believed to be receiving salaries or wages from the various state departments and who the tax duplicates show as delinquent in the payment of taxes.

The auditor is required to compile annually on July 1 lists of real estate on which tax is delinquent preliminary to its posting and offering at public sale.

County Treasurer

The treasurer is a constitutional officer, elected by vote of the county at large for a term of four years but prohibited from serving more than two terms within 12 years.

The functions of the treasurer are to collect, to retain custody of and to disburse county funds. The treasurer has charge of the collection of delinquent taxes (including sale of real property for taxes when authorized) and is required on a daily basis to enter all judgments paid in the appropriate record maintained in the office of the clerk of the circuit court. The treasurer collects local and state general property taxes for all units in the county; inheritance taxes; and the tax on capital stock and deposits of banks and trust companies and the capital stock and the surplus of building and loan associations. The treasurer is required annually to send each person charged with taxes a statement of the amount of property tax owed.

In addition to other functions, the treasurer serves as treasurer ex officio of the County Board of Education and as treasurer to the board of hospital trustees in some counties and fiscal officer in some cities.

County Recorder

The recorder is a constitutional officer, elected for a term of four years by vote of the county at large but prohibited from serving more than eight years within a 12-year period.

The chief function of the recorder is that of preserving public records, including deeds, mortgages, liens, leases, articles of incorporation and amendments, certificates authorizing foreign corporations to do business within the state, Army and Navy discharges, bankruptcy notices and other documents. As authorized by law, the recorder makes specific charges for recording various types of instruments and certificates; the fees so collected become the property of the county and are paid into the county treasury.

Instruments affecting title to real estate must be signed by the county auditor showing transfer of property for taxation before they can be recorded. Deeds executed by corporations and non-residents of the state of Indiana cannot be accepted for recording by the recorder unless evidence that gross income tax has been paid on proceeds of the sale is attached to the instrument.

The county recorder cannot accept for recording instruments which do not bear — immediately below the written signatures — printed, typewritten or stamped names of the persons signing them, unless the instrument is accompanied by an affidavit certifying the correctness of the names represented by the signatures. This does not apply to court orders, decrees and judgments, or writs, wills, death certificates, or instruments executed outside the state.

Clerk of the Circuit Court

The clerk of the circuit court (commonly called the county clerk) is a constitutional officer, elected for a four-year term by the voters of the county at large but prohibited from serving more than eight years within a period of 12. Functions of the clerk include:

1. Attending, either in person or through a deputy, sessions of the Circuit Court and any other county courts.
2. Filing, recording, and entering orders pertaining to civil, juvenile, and criminal matters.
3. Issuing letters testamentary, letters of administration and letters of guardianship; recording wills, inventories of estates, sale bills, inheritance tax orders, final accounts, and reports of distribution in probate proceedings. The money to be held in trust is kept with the clerk.
4. Serving ex officio as a member and secretary of the County Election Board and the County Commission on Public Records and as a member and clerk of the County Board of Canvassers. For this service the clerk may receive compensation equal to that of elected members of the Election Board.
5. Appointing of other members of the County Election Board and the Board of Canvassers. These appointments must be made, one from each of the two major political parties, from nominations filed in writing by the county chairmen of the parties.
6. Receiving filings of candidacy from persons seeking certain elective public offices and issuing certificates of election to successful local candidates, except in the cases of judges who receive commissions from the governor.
7. Notifying the custodian of alien property in Washington, D.C., concerning any court action involving the property of an alien.
8. Concerning divorce actions venued into the county, notifying the clerk in the county in which the case was started of any

court order or judgment. Payment must be made to the clerk in the county of the original action.

Miscellaneous Duties. The clerk issues marriage licenses; receipts for and pays out all support monies in dependency cases; files petitions for court determination of time and place of birth and keeps these birth certificate records, sending copies of the certificates to the State Board of Health; and administers oaths to appointed officers.

Registration of Voters: Under the voter registration law, the clerk of the circuit court is ex officio registration officer in all counties having a population of less than 100,000 except those that have established a Board of Registration. The clerk exercises control of registration of voters within the county, and has the power of appointment and general supervision of deputy registration officers. The number of deputies appointed must be divided, as nearly equally as possible, between the two major political parties, from information obtained in writing from the respective county chairmen of such parties.

In counties having a population of 100,000 or more the registration of voters is handled by a Board of Registration appointed by the judge of the Circuit Court. Counties with a population of under 100,000 may establish such a board by majority vote of the county commissioners 60 days before the next primary, general or city election. If not a candidate for office, the clerk may be appointed to this board but does not receive any additional compensation. Other appointive members receive salaries set by the county commissioners within ranges established by law. The precinct committeemen and vice-committeemen of the two major political parties serve ex officio as deputy registration officers. Other deputy registration officers may be employed to a maximum number of two per precinct.

Budget Estimates. The clerk of the circuit court must prepare budget estimates of the following matters:

1. Amount required to pay expenses of cases tried in other counties on changes of venue such as are chargeable under the law against the county from which the change is taken.
2. Amount required for operation of the clerk's own office and the courts, and for conducting elections.

County Surveyor

General. The surveyor is a constitutional officer, elected for a four-year term by the voters of the entire county. There is no restriction upon eligibility for re-election.

The primary duties of the surveyor are to survey and keep record of all section corners throughout the county and supervise all civil engineering work of the county, including construction and maintenance of drains and ditches, and of highways, bridges and culverts except in the counties where the Board of Commissioners assigns highway, bridge and culvert construction and maintenance to the highway supervisor.

The surveyor is required to prepare, maintain and keep in custody a legal survey record book showing maps of each section, grant, tract, subdivision or group of such areas in sufficient detail so that the approximate location of each such legal survey can be shown.

The duties of the office of county surveyor which relate to roads and bridges become those of the county highway engineer in those counties in which the county commissioners have appointed such an official. However, if a registered engineer, the surveyor may be appointed county highway engineer. In such cases, the surveyor's responsibilities are broadened to include

those of county highway engineer. (See discussion of county highway supervisor's duties.)

If appointed county highway engineer, the surveyor is authorized to accept the salary of the highway engineer as fixed by the county commissioners, should it be greater than that of surveyor. Also, the surveyor receives \$2 per mile (\$4 if a registered engineer) for each mile of active court drains or ditches within the limits of the county, as certified to, and approved by, the county commissioners.

In counties having a population of 165,000 or more, the county surveyor may appoint a registered professional civil engineer as bridge engineer.

Ditch Construction and Maintenance. The surveyor supervises all legal ditch construction and maintenance and serves as an ex officio member, with the county commissioners, of the County Drainage Board (see section on that agency).

The surveyor serves ex officio as a member of the county planning commission.

Deputies. The surveyor is authorized to appoint as many deputies and assistants as the work requires, subject, however, to the approval of the County Council and the limitations of the budget of the surveyor's office.

If the surveyor is not a licensed engineer or licensed land surveyor, or is disqualified by reason of ownership of lands affected by any work of the surveyor or kinship to any person whose lands will be affected, the court must appoint a licensed engineer or licensed land surveyor to act in some matters. The person appointed has the same authority as the regularly elected surveyor.

County Sheriff

General. The sheriff is a constitutional officer, elected for a four-year term by vote of the entire county but prohibited from serving more than two terms within 12 years.

Provision is made that the sheriff of each county be furnished at least one automobile to be used in the performance of official duties. Other automobiles are allowed a sheriff as may be recommended by the County Council, and are maintained by the county. If the sheriff's personal automobile is used in performance of official duties, the sheriff is allowed mileage consistent with the travel allowances afforded state employees.

Duties. The sheriff's duties, largely prescribed by statute, are as follows:

1. Serve as conservator of the peace.
2. Take charge of the county jail and the prisoners confined therein. The sheriff may board prisoners, including those on federal charges, and for their maintenance be allowed an amount fixed annually by the State Board of Accounts.

An additional responsibility of the sheriff in connection with inmates of the county jail is administration of a law providing that jail inmates who are financially responsible for a family may, under certain conditions, work in private or public employment. The court makes the decision as to which inmates may be permitted to be employed after an investigation and report by the county welfare department. To assist the sheriff with respect to such prisoners, the law provides for the creation of an advisory committee of 10 members appointed by the sheriff and the judge.

3. Serve as an officer of the courts in the county involving service of warrants, subpoenas and other forms of process. The sheriff may execute court orders any time after they are entered on the docket but must do so within 90 days.

4. Collect delinquent state income taxes or levy upon the property of the corporate or individual taxpayer for the amount due, when warrant is issued by the Indiana Department of Revenue commanding that the sheriff do so, and transmit to the state department the amount collected. For collecting and remitting otherwise uncollectible state tax delinquencies, the sheriff is entitled to retain 10 percent as a personal fee.

5. Sell mortgaged property under foreclosure proceedings and execute deeds to real estate sold under execution.

6. Convey to state charitable and correctional institutions any persons committed thereto.

7. Attend sessions of the County Council and execute its orders.

8. Serve processes for the County Board of Review.

The sheriff attends meetings of the Board of County Commissioners and executes their orders.

Any sheriff has the authority to request the aid of any other sheriff and/or deputies and assistants in the state in an emergency situation or for a specific assignment which requires specialized personnel.

The sheriff appoints deputies subject to review and approval by the Sheriff's Merit Board. Merit Board approval is not required in the selection and appointment of the chief deputy and the matron.

Sheriff's Merit Board. Each county is required to have a five-member bipartisan Sheriff's Merit Board created by ordinance or resolution of the County Council. In all counties in which such boards are established, members are appointed by the sheriff except for two who are elected by members of the county police force. The board has the responsibility of administering under a merit system certain personnel functions with respect to the appointment of a county police force.

Prosecuting Attorney

As a constitutional officer, a prosecutor is elected in each judicial circuit for a term of four years. Because the prosecutor is elected for a judicial circuit in the same manner as a judge (and must be a practicing attorney), the office is not strictly a county office.

The prosecuting attorney represents the State of Indiana and prosecutes violators of state statutes in various courts in the judicial circuit having criminal jurisdiction.

If serving full time, the prosecuting attorney is paid an annual base salary of \$54,370. If serving only part time, the salary is equal to 60 percent of the judge's salary. The classification is made by the Board of Accounts using a schedule of "classification factors" set out in the law after taking into consideration the relationship which the population and assessed valuation of each judicial circuit bears to the population and assessed valuation of the entire state.

A 1973 law allows any prosecuting attorney to elect to devote full time to the office by filing written notice with the Circuit Court and the auditor of state. However, a prosecutor representing a judicial circuit in the three smallest classifications may make such election only with the consent of a majority of the County Council. The prosecutor of St. Joseph County is required to devote full time to the office.

An additional 6 percent of the amount of the judge's salary is paid to prosecutors not electing full-time status who serve in judicial circuits which receive numerous venue changes from larger adjoining counties or which provide the site for either the state prison, the reformatory, youth center or state farm.

The prosecuting attorney is authorized to appoint at least one deputy whose base salary is paid from state funds. Such deputy must be paid a salary not less than 75 percent that of the prosecuting attorney, unless such appointing officer shall request a lesser amount. Deputy prosecutors in counties of the first and second class have the privilege of electing to serve full time by filing written notice in the same manner as stated above for prosecutors. Any deputy so electing must be paid no less than 75 percent of the salary of the judge serving the judicial circuit unless a lesser amount is requested by the appointing prosecuting attorney.

Each prosecuting attorney is also authorized to appoint one or more investigators to conduct investigations and assist in the collecting and assembling of evidence necessary for criminal prosecutions. The salary to be paid each investigator is set by the County Council.

In any judicial circuit the prosecuting attorney and/or deputy may receive supplemental salary from the county or counties served by such circuit. County funds also are used to pay the salaries of additional deputies and investigators and the costs of clerical assistance, operating expenses and travel allowances.

County Coroner

The coroner is a constitutional officer, elected for a four-year term.

The chief responsibility of the coroner is to determine the manner of death in cases involving violence or casualty or when someone is found dead in unexplained circumstances. When notified of any such death, it is the duty of the coroner to notify the police agency having jurisdiction in the area and to obtain assistance of the police in investigating the demise. As soon as cause is determined, the law requires the coroner to file the findings with the local health officer. If an autopsy is considered necessary, the coroner is required to employ a qualified physician under whose direction the autopsy must be made. The coroner must file with the clerk of the circuit court a report of deaths investigated.

The statute provides that the coroner may also act as a peace officer, performing the duties of the sheriff if the sheriff is incapacitated or disqualified and has no chief deputy to perform sheriff's duties. The coroner is the only county officer who may arrest the sheriff. The coroner has authority to employ deputies and clerical aides.

County Assessor

The county assessor is a statutory officer who is elected for a term of four years and may be re-elected without limit. This official functions under the direction of the State Board of Tax Commissioners and is subject to removal by that board although elected by the voters of the county.

The county assessor advises and instructs all township assessors of the county as to their duties, serves as reviewer of the returns made by township assessors and, according to law, has the same powers as a township assessor. The assessor is the county inheritance tax appraiser and serves as a representative of the State Inheritance Tax Division in issuing consents to transfer of property held in joint names.

The county assessor oversees general reassessment in the county and serves as president of the County Board of Review, which hears all appeals on property tax assessments.

APPOINTIVE COUNTY ADMINISTRATIVE OFFICIALS

County Highway Supervisor

The highway supervisor is appointed by the county commissioners in those counties where the maintenance and repair of highways, bridges and culverts is not handled by the county surveyor.

Duties in addition to the supervision of maintenance and repair of highways, bridges and culverts include fixing the load limits thereon, and filing of monthly and annual reports with the Board of County Commissioners.

The salary of the county highway supervisor is determined by the County Council upon the recommendation of the county commissioners.

In those counties having a county highway engineer (see section which follows), the county commissioners may provide for the county highway engineer to serve also as a county highway supervisor.

County Highway Engineer

The county highway engineer is appointed by the county commissioners of a county (or of any two or more counties, acting jointly) to assume responsibility for the supervision of design, construction, planning, traffic, and other engineering functions relating primarily to roads and bridges within the county (or counties) and for the preparation of such surveys, estimates, plans and specifications as are required. The duties include development of a county-wide program of traffic safety, classification of the county highway system, preparation of engineering estimates and recommending the material and equipment needed in the annual budgeting of funds. The highway engineer is subject to policies established by the county commissioners.

The county highway engineer must be a registered engineer experienced in highway engineering and construction. The county surveyor may be appointed county highway engineer, provided the surveyor is a registered engineer. The term of the engineer, not to exceed four years, and the amount of salary are determined by the commissioners. The engineer is allowed actual traveling and other expenses in addition to salary.

The county commissioners may provide for the county highway engineer to serve also as county highway supervisor (see section immediately preceding).

County Superintendent of Schools

General. In counties where township trustees remain responsible for educating students in the township, the superintendent of schools is elected by the township trustees of the county. Salary of the county superintendent is fixed by majority vote of the township trustees.

The superintendent is charged with carrying out orders of the State Board of Education and the state superintendent of public instruction. The superintendent of schools is responsible for:

1. Exercising general supervision over all township schools.
2. Conducting teachers institutes.
3. Serving as ex officio member and president of the County Board of Education in those counties which do not have a county unit school system.

4. Nominating a county attendance officer if one is deemed necessary.

5. Issuing work certificates to minors residing in township school corporations.

Attendance Officer. An attendance officer is appointed, in counties having more than 1,500 children in average daily attendance in school, on nomination of the superintendent of schools by the County Board of Education. (In counties having less than 1,500 pupils in average daily attendance, the county superintendent serves as the attendance officer if the Board of Education believes the appointment of an attendance officer to be unnecessary.) In counties where school reorganization has not taken place, the attendance officer's compensation is fixed by the appointing board and is paid by the county treasurer. Where school reorganization has taken place, the salary of an appointive attendance officer is fixed by the township trustees and/or board of education and is paid by the treasurer of the employing school corporation. The officer's jurisdiction, like that of the county superintendent of schools, is confined to township schools.

The term of office is one year and the duties are:

1. The keeping of records required by the state attendance officer and the county school superintendent.
2. The visiting of homes of children absent from school or who are reported to be in need, and the visiting of factories where minors are employed.

Additionally, the attendance officer serves as investigator of the poor of any township within the county where such service is requested by the township trustee and approved by the Board of County Commissioners.

County Extension Agent

The County Cooperative Extension Service (formerly called the County Agricultural Extension Service) is required to have an administrator — usually the county extension agent in agriculture or the county extension agent in home economics — and may have other staff members in agriculture, home economics, youth programs and other specializations. The staff members are appointed by the trustees of Purdue University and technically are members of the Purdue staff.

The Cooperative Extension Service in each county is provided by Purdue University out of state funds, not less than \$2,700 per year for payment of salaries and operation of the service. Each County Council is required to appropriate not less than \$1,000 to be paid toward the salaries and expenses incidental to operation of the service. Additional appropriations for such purpose may be made by the council.

The duties of a county extension agent are:

1. To provide and carry on education programs in agricultural production, home economics, family living, community development and recreation, and to assist Purdue with other programs of education, research and service.
2. To conduct 4-H Club work and other programs for youth.
3. To give information and counsel to producers, distributors and consumers regarding production, processing and marketing of agricultural products.
4. To give counsel and technical assistance that will conserve the soil and other natural resources.
5. To cooperate with farmers, farm groups, home economics organizations and other rural and urban organizations.

The county extension agents in home economics (formerly called home demonstration agents) work through the various

home economics clubs in the counties. They are appointed by Purdue in consultation with county home economic clubs.

The funds necessary for operation of the County Cooperative Extension Service are supplied by the federal, state and county governments on a matching basis.

County Attorney

The county attorney is employed and compensation fixed by the Board of County Commissioners. By custom, the attorney's chief functions are to give legal advice to the Board of County Commissioners and other county officers as to their powers and duties, and to handle litigation to which the county commissioners are a party. The specific duties are set out in a contract.

The County Council may also employ an attorney.

County Inspector of Weights and Measures

The county inspector of weights and measures is appointed by the county commissioners with the approval of the Division of Weights and Measures of the State Board of Health. The appointment of such an inspector is optional in counties of lower population classification and compulsory in others. There is provision for adjoining counties, by action of their respective boards of commissioners, to employ one inspector to serve several counties.

The jurisdiction of the inspector covers only the area outside the cities where city inspectors are employed. The inspector has general authority to set standard weights and measures in the county as required by law, and to inspect weights and scales used for commercial purposes. The inspector has special police power to arrest without warrant where violations of the statutes are detected.

Requirements are to keep a record of work and to issue monthly and annual reports to the county commissioners and the state commissioner of weights and measures. In actual practice, most of these functions are carried on directly by the Division of Weights and Measures.

County Administrator

A Board of County Commissioners may employ a county administrator, who shall be the administrative head of the county under the direction and supervision of the board and who shall hold office at the pleasure of the board. The board may assign to the administrator any office, position, or duty under its control and may by resolution withdraw any of the powers and duties assigned.

County Physician

The county physician is employed by the Board of County Commissioners. The functions consist chiefly of rendering necessary medical attention to the persons in the county jail and in the county home. The county may, at the option of the county commissioners, appoint different physicians for the various county institutions requiring medical supervision of inmates.

Superintendent of County Home

It is the duty of the superintendent of the county home, who is appointed by the county commissioners, to manage the home and its farm in the best interests of the county. The superintendent must maintain order and discipline, assigning a reasonable amount of labor to every inmate who is able to work.

County homes may be consolidated with those in adjoining counties and inmates transferred to the consolidated institution. The cost of caring for the transferred inmates is borne by the county making the transfer.

The homes for the aged in Marion, Lake and St. Joseph counties are under the administrative authority of county home boards appointed by the county commissioners. Each of these boards, subject to approval by the commissioners, appoints the county home superintendent who is the executive of the home and serves as secretary of the board.

In Allen County, by special legislation in 1974, provision was made for consolidation of the county home and tuberculosis hospital. The agency, known as the Allen County Health Center, is managed by an 11-member board appointed by the county commissioners. The board is authorized to appoint an administrator for the center.

COUNTY GOVERNMENT AGENCIES

Department of County Engineering

A Department of County Engineering may be created by the Board of County Commissioners in any county (or of any two counties, acting jointly) in which a county highway engineer is employed on a full-time basis. Such Department of County Engineering shall be operated under the supervision of the county highway engineer. The department shall assist the Board of County Commissioners in formulating plans for the development of divisions in the following areas: highways, bridges and streets, traffic safety, sanitation control, pollution control and subdivision development control. Other divisions may be developed within the department as needed and approved by the county commissioners.

Department of Development

If the county commissioners of any county find need to finance economic development or pollution control facilities, they may adopt an order to such effect and give written notice to every incorporated city and town and to the development commissions of every incorporated city and town, specifying instances in which such needs have not been met. If, after 90 days, the commissioners find that such needs still are not being adequately met, they may request the County Council to establish a department of development under the control of a development commission. The three-member commission is appointed by the county commissioners to staggered terms, which, after the initial appointments, shall be for four years. The development commission "shall have jurisdiction throughout the county, outside of all cities and towns which have established a development commission with respect to the needs found by the county commissioners." The commission is charged with the same responsibilities as a city or town development commission and is granted the same statutory powers. (See "City Government.")

Redevelopment Commission

In any county in the state there may be created a Redevelopment Commission, which shall be under the control of a five-member board appointed by a majority vote of the Board of County Commissioners. In general, the purpose of the commission is to promote and encourage the proper use of land within the county so as to best serve the interests of the county and its inhabitants, both from the standpoint of human needs and economic values and to improve blighted areas.

The commissioners are granted wide powers. They are authorized to employ necessary personnel and to expend funds raised for the department. Bonds may be issued by the Redevelopment Commission to raise funds to carry out its program, and the commission also may levy property taxes to retire such funds. The commission is authorized to accept and expend federal funds.

Medical Center Development Agency

The county commissioners in any county may, at their discretion, establish a Medical Center Development Agency and appoint five residents of the county to the executive board of that agency; the County Council appoints two others. The persons appointed shall be knowledgeable and interested in the community health and medical care needs of the county but not more than two members shall be medical practitioners or administrators of any medical or health facility within the county. After initial appointments, board members serve four-year staggered terms. They serve without pay but are entitled to reimbursement for necessary expenses.

The executive board of a Medical Center Development Agency is granted the power to devise a comprehensive plan for the development of a medical center within the county. If approved by the Board of County Commissioners and the County Council, the plan is to be implemented by the Medical Center Development Agency under the guidance and approval of the commissioners and the county council.

County Board of Review

The County Board of Review is composed of the county assessor, the auditor and treasurer (all ex officio) and two freeholders of opposite political parties appointed by the county commissioners. The assessor is the president of the board and the auditor serves as the secretary.

The chief duties of the board are to review and determine individual assessments upon complaint of an aggrieved taxpayer or upon its own motion, and to equalize the valuation of the various classes of property by the township and other taxing units. It may increase or decrease assessments but must do so only in order to bring them into line with the true cash value of such property.

It reviews the assessment lists of the county to correct any errors. The members of the board who are appointed by the commissioners receive a per diem payment, the amount fixed by the County Council for each day actually served.

The maximum duration of the board sessions is as follows: 20 days in counties having less than 20,000 population; 30 days in counties having from 20,000 to 30,000 population, and 40 days in all counties having from 30,000 to 350,000 population — for years when no assessment of real property is made. In Lake and

Marion counties the duration of board sessions may not exceed 80 working days, unless the elected members of the board, by majority vote, agree to extend the duration.

County Board of Tax Adjustment

The County Board of Tax Adjustment is composed of seven members, not more than four to be of one political party, and exists at the discretion of the County Council.

One member must be elected by the County Council from its membership; one must be mayor of the largest city within the county (or designee) or, if there is no city, chosen by the board of trustees of the largest town; one must be a member of the board of school trustees of the school corporation located wholly or partially within the county and having the greatest taxable valuation, as selected by the board of school trustees. The county commissioners appoint the remaining four members, who must be citizen freeholders.

The four appointive members of the board receive a per diem payment in the same amount as fixed by the State Budget Agency for state employees, for each day actually served.

Review on Budgets. The work of the Tax Adjustment Board begins on the second Monday of September of each year (except in Marion County, which begins the Wednesday following adoption), when the county auditor presents to the board the budgets adopted for each governmental unit in the county.

The county budget will have been reviewed previously by the County Council, the township civil and school budgets by the Township Advisory Board, the civil city and civil town budgets by the City Council or Board of Town Trustees, and the school city and school town budgets by the respective school boards.

The duties of the County Tax Adjustment Board are to examine, revise, change or reduce, but not increase, budget appropriations and tax rates. In making revisions or reductions in appropriations, however, the board is restricted to revisions of totals for each budget classification within the department or office considered. The board accordingly may reduce the total amount budgeted for "personal services" in a department, but cannot change an individual salary if there is more than one salary provided by the "personal services" classification.

The Tax Adjustment Board is charged to reduce, if possible, the total budget requirements and tax rates upon property to \$2 or less for each \$100 of taxable property within an incorporated city or town and to \$1.25 or less for taxable property outside incorporated cities and towns. Tax rates required for debt and welfare purposes are excluded from these limitations. In other words, the statutory rate limitations are \$2 and \$1.25, as the case may be, plus the rates for debt service and the County Department of Public Welfare. If, in the opinion of the board, tax rates higher than the statutory limitations are necessary, the board then submits its recommendations in writing to the county auditor, who is required to certify all budgets, levies and rates in excess of the limitation, together with the board's recommendations, to the State Board of Tax Commissioners.

This procedure constitutes an automatic appeal for all budgets which contribute to a total rate in excess of the limits provided by law. Budgets providing for tax levies within the statutory limits also may be appealed to the state tax board, but the initiative for such appeal lies either with the municipal corporation or with 10 or more taxpayers, who may petition in writing for such a review. The auditor is required to post a notice of the budget and rate determination of the board in the court house in order to inform taxpayers of this action.

Should the adjustment board members fail to agree or to complete their duties by October 1, as provided, the county auditor is authorized to set the aggregate rates of all units within the statutory limits according to the best judgment of the auditor.

County Tax Adjustment Board. The General Assembly in 1985 gave county councils the power to abolish the County Tax Adjustment Board. The council may pass an ordinance abolishing the board prior to July 1 of any year, and may not rescind the ordinance in the same year in which it is adopted. If the board is abolished, the tax rate, levy or budget will be treated as if it had been approved by the County Tax Adjustment Board.

County Election Board — Canvassers

The clerk of the Circuit Court and two persons appointed by the clerk, each representing one of the two major political parties and nominated by the county chairmen of the party organizations, serve as members of two election boards — the County Election Board and the County Board of Canvassers. No public officer (except the clerk of the Circuit Court) or candidate for public office may serve on these boards. The membership is identical.

The County Election Board prepares and distributes ballots, attends voting machines (in counties where such machines are used) in public places before each election for instructional purposes, and appoints precinct election officials. The County Board of Canvassers duties consist of canvassing votes and certifying the election returns to the secretary of state.

The County Election Board is authorized, for the purpose of encouraging voter registration, to conduct on the second Tuesday of March prior to each primary election and on the second Tuesday of September prior to each general, city or town election, a supplemental registration of voters at designated locations throughout the county. The conducting of a "Voter Registration Day," as the designated day is to be known, is subject to specified requirements and limitations.

The two members of the Election Board other than the county clerk are paid varying amounts for their services, depending on the population of the county.

The clerk of the Circuit Court, for services as secretary of the County Election Board, may receive compensation in the same amount as is provided for each of the appointed election board members.

Board of Education

In counties where township trustees remain responsible for educating students, the County Board of Education ordinarily is composed of the township trustees and the county superintendent of schools, who serves as chairman. The board is authorized to provide textbooks and sell them to pupils at cost plus handling expense, and to consider the general requirements of schools and school property. Care and management of township libraries also is the responsibility of the board, and it appoints the county attendance officer upon recommendation of the county superintendent.

County Welfare Advisory Board

The County Welfare Advisory Board was created when the

General Assembly in 1986 passed legislation to transfer all county welfare departments into the jurisdiction of the State Department of Public Welfare. This action left the five-member board appointed by the county commissioners in each county to oversee activities of the county welfare department with no oversight powers. The sole function of the County Welfare Advisory Board is to advise the state welfare office of the coordination of social services within the county.

Housing Authority

The County Council has the authority to establish a Housing Authority and appoint five persons to serve four-year terms as commissioners of the authority. A commissioner does not receive compensation for services but is entitled to necessary expenses, including traveling expenses, incurred in the discharge of duties.

The purpose of the authority is to initiate and operate housing projects for persons of low income, persons engaged in national defense activities, or victims of a major disaster. The authority is empowered to issue bonds, invest any funds held in reserves or sinking funds, and acquire and dispose of any real or personal property. The authority may also conduct investigations and studies and make recommendations regarding housing conditions.

Prior to 1973, a county housing authority had jurisdiction only over any unincorporated area of the county not within the area of authority of a city or town. (See sections entitled "City Government" and "Town Government.") Its jurisdiction was expanded in 1973 to include the area of operation of any city or town if the governing body of the city or town passes a resolution declaring the need for such exercise of powers. Such resolution may be passed only after public hearings are held.

County Department of Buildings

The Board of County Commissioners is authorized to create by ordinance a Department of Buildings and the office of building commissioner and to adopt building, heating, ventilating, air conditioning, electrical, plumbing, sanitation and minimum housing codes for the unincorporated areas of the county. To become effective, such codes must have the approval of the Fire Prevention and Building Safety Commission. The commissioners may appoint inspectors and/or deputies to assist in administering and enforcing the codes.

By special legislation in 1973, provision was made for creation of a joint city-county building and minimum housing department for Fort Wayne and Allen County under the control of the county commissioners. Provision was made for appointment of a seven-member board (two were added by 1974 legislation), a building commissioner and a deputy building commissioner, each with prescribed responsibilities; the county commissioners and the mayor share the appointive powers. At least two of the board members must be from the building contract industry, one of these from the residential building sector and one from the industrial and commercial building sector.

Local Health Department

In Indiana there are 96 local health jurisdictions and seven classifications as follows: county health departments (55); full-

time county health departments (31); full-time city-county health departments (3); full-time city health departments (3); part-time city health departments (2); multi-county health department (1); and health and hospital corporation (1). Each category of health department is established under a separate section of the public health laws.

All local health departments are managed by a seven-member board of health with the exception of the two part-time city departments and the health and hospital corporation, all of which have five-member boards, and the multi-county health department, with an eight-member board. The board of health appointed by local officials (county commissioners and mayors) is responsible for appointing a health officer who must be a physician licensed to practice medicine in Indiana. The physician serves as the executive head of the department and secretary to the board. All local health officer appointments are subject to approval and certification by the executive board of the State Board of Health.

There are four different methods of funding local boards of health. Health departments established under the 1949 Acts are funded by a special tax levy with a mill limitation on the tax dollar. City health departments are funded through the city general fund. County health departments established under the 1965 Acts are funded under a special tax levy without any limitation. Multi-county health departments are funded on a pro-rata population basis under a special tax levy. City-county health departments, with the exception of Fort Wayne-Allen County, are funded on a pro-rata basis between the city and county governmental units. The health and hospital corporation has special taxing powers.

County health departments have jurisdiction over the entire county except in Lake and Tippecanoe counties, where city health jurisdictions are established. Local boards of health are subordinate to the State Board of Health; they are charged with enforcing all the laws, regulations and ordinances of the State Board of Health as well as of their own. Health departments are responsible for birth and death registrations, prevention and suppression of diseases, communicable disease control and environmental health, including general community sanitation, retail food sanitation and the initiation of health services for the benefit of the community they serve.

Powers and duties of the local health officer and board of health are provided for by specific statute.

County Commission on Public Records

The Commission on Public Records consists of the judge of the Circuit Court, the president of the Board of County Commissioners, the county auditor, the county clerk, the county recorder, the superintendent of schools of the school district in which the county seat is located and the city controller of the county seat city. Should there be no such city controller, the clerk-treasurer of the county seat city is a member of the commission. The commission elects one of its members to be chairman and the county clerk serves as secretary. Its duties are to determine:

1. Where valuable or usable records should be filed.
2. What records are no longer of official or historical value.
3. How records of no further value shall be disposed of or destroyed. Before destroying such records, 60-day notice must be given to the State Library and to any active county historical society, making it possible, under certain conditions, for the library and/or society to acquire such records. No records may be disposed of for at least three years from the time they were originally filed. Financial records cannot be destroyed before audit by the State Board of Accounts.

County Alcoholic Beverage Board

It is mandatory that Boards of County Commissioners, County Councils and city mayors each appoint a member of the County Alcoholic Beverage Board when notified to do so by the Indiana Alcoholic Beverage Commission. The board consists of the three appointed members plus a full-time employee appointed by the state commission.

The chief function of the board is to check and pass upon applications for licenses to sell alcoholic beverages at retail within the county when requested to do so by the Indiana Alcoholic Beverage Commission. The compensation of each member, except the appointee of the state commission, is \$240 per year plus \$3 from the state for every application checked during the year. Mileage is allowed for necessary travel.

County Plan Commission

The County Plan Commission is composed of nine members. One must be a county commissioner, one the county surveyor (or a qualified deputy appointed by the surveyor), one the county extension agent in agriculture, and one a member of the County Council. The other five citizen members are appointed by the county commissioners for four-year terms staggered to provide for continuity. No more than three may be of the same political party, and all five citizen members must reside in unincorporated areas of the county. In the event there is no county surveyor, the county commissioners appoint an additional citizen member. If there is a municipal plan commission in the county, a designated representative of the city commission becomes an advisory member of the county commission without the right to vote, and a designated member of the county commission becomes an advisory member of the city commission.

When a municipal plan commission exercises zoning jurisdiction outside its boundaries, the county commissioners are required to appoint two additional citizens (who live in the unincorporated area) to the municipal plan commission. Citizen members of the commission may be compensated by per diem payments from the county. The commission is empowered to hire an executive director or secretary and other necessary employees and to fix their compensation.

The County Plan Commission has jurisdiction within the unincorporated area of the county except that any city or town may authorize the county commission to act as the city or town planning commission. The commission has the following duties:

1. To make surveys of the resources of all sections of the county and make plans for conservation of resources.
2. To formulate and recommend adoption of plans for community betterment.
3. To cooperate with all other departments and units of government in the preparation of a comprehensive plan for the development of the county, including long-range public works and financial programs.
4. To approve any improvement location permits or any proposed subdivisions lying outside the corporate limits of any city or town within the county, and the filing and recording of plats in counties where a comprehensive plan has been adopted.
5. To authorize the preparation of maps of county roads on which the roads will be designated by name or number.
6. To administer a zoning ordinance for the unincorporated area of the county.

Board of Zoning Appeals. In counties where the plan commission has adopted a zoning ordinance it is necessary that a

Board of Zoning Appeals be established as a part of the ordinance. This board, except in Marion County (see section on Indianapolis), consists of five citizen members appointed by the county commissioners; two of the five must be citizen members of the County Plan Commission.

It is the duty of this board to hear and determine appeals on orders, requirements, or decisions made by administrative officials in connection with the county zoning ordinance. The board is authorized to grant variances from the ordinances.

Metropolitan Planning Commission

In certain counties (those meeting the 1980 population and city requirements are Delaware, Vanderburgh and Vigo), provision is made for the county and the city within it (population of more than 65,000) to consolidate their planning operations by creating a bipartisan Metropolitan Planning Commission. Such a commission becomes a unit of county government; the separate planning and zoning functions of the city and county plan commissions which have been superseded must cease and be exercised by the new agency. The commission is composed of one member each from the Board of County Commissioners and the City Council, three members appointed from the unincorporated area of the county by the county commissioners, and four residents of the city appointed by the mayor. The county agricultural agent, the county surveyor (or a qualified deputy appointed by the surveyor) and the city engineer serve ex officio as non-voting members. Provision also is made for a bipartisan seven-member Board of Zoning Appeals to operate within the commission. The powers, functions and duties of the Metropolitan Planning Commission include those assigned by existing laws to city plan commissions and county plan commissions.

Area Planning Department

An area planning department may be established to develop urban and rural areas. It is an alternative to the formation of separate city, town and county planning units and, as such, has taken over the planning function in a number of Indiana counties. The county commissioners are empowered to establish an area planning department whenever the county and at least one municipality within the county have passed ordinances to create such an agency. Thereafter the planning and zoning functions of the county and the participating cities and towns are exercised exclusively by the area planning department. Other cities and towns within the county may then adopt ordinances enabling them to participate and to provide for the appointment of representatives to the area plan commission which, together with a board of zoning appeals, is a part of the composition of the department.

Membership of the area commission is established so that both the rural and urban population in the area have equitable representation. The size of the commission varies according to population of the area and classification of municipalities included within it. In most instances, certain public officials such as county superintendent of schools, county extension agent in agriculture, county surveyor, a member of a city board of public works or the board of sanitary commissioners, and a member of a city council must be included in the membership of the commission along with a specified number of citizen members.

The commission is required to employ an executive director who is qualified by training and experience in the field of planning and zoning.

Regional Planning Commission

Regional planning commissions are permitted by legislation originally passed in 1967. Several counties have formed such a commission.

The commission's responsibilities include developing a master transportation plan for the region. It acts as a coordinating agency on transportation problems. The commission is authorized to be an active participant in regional development efforts. It is the commission's responsibility to consider regional comprehensive planning problems which are beyond the separate capabilities of local units of government.

Counties of more than 50,000 population are represented by two appointees of the mayors of each of the three most populous cities; two appointees of the board of county commissioners, and the county surveyor. The mayor and commissioners may select themselves.

Counties of 50,000 or less population are represented by one appointee of the board of commissioners and two persons appointed by the mayors or town board presidents of the two populous cities in the county.

Financing is by a 30-cent per capita contribution appropriated by the county council of each participating county. A higher contribution may be permitted but this would be subject to county council review and approval. Members of this regional planning commission serve without salary but may be paid expenses incurred in the performance of their duties.

General and Tuberculosis Hospital Board

Other county boards include the board of hospital trustees which administers the county hospital.

County hospital boards may, subject to the approval of the county commissioners and council, lease portions of the county hospital grounds, buildings or equipment, accept endowments of property for the hospital, establish cumulative building funds and levy property taxes for hospital construction purposes.

A unified city-county health and hospital program is in operation in Marion County and Indianapolis through the creation of the Health and Hospital Corporation of Marion County. The executive and legislative powers of the corporation are exercised by a five-member bipartisan board of trustees, three of whom are residents of Indianapolis appointed by the mayor and two of whom are residents of the county outside the limits of the city appointed by the Board of County Commissioners. Created by the board are a division of public health and a division of public hospitals. The division of public health administers the functions of the corporation which are concerned with disease prevention and control while the division of public hospitals administers the functions of the corporation concerned with curative work.

County Hospital Building Authority

In counties operating public hospitals as separate institutions, a county hospital building authority is established to finance, build, equip and lease to the county land and buildings for hospital purposes. The executive powers of the building authority are vested in a five-member board of directors appointed by the county commissioners.

By separate 1977 legislation, any county containing a city hospital (applies to Noble and Shelby counties) may, under certain conditions, create a county hospital building authority consisting

of five directors appointed by the county commissioners to four-year terms (initially staggered). The authority may proceed as in the above paragraph to build and equip a hospital as financed by general obligation bonds by the county council and supported by a tax levy reduced by net revenues of the hospital.

Private Hospital Authority

Recognizing that private, not-for-profit hospitals may need construction and financing aid, the legislature in 1971 granted authorization to boards of county commissioners, upon request of the governing board of such a hospital, to create a hospital authority to provide such assistance. The authority would be administered by five directors appointed by the county commissioners. The authority is given specified powers, including bonding powers, to enable it "to do all things necessary or convenient" to carry out its purpose.

Board of Aviation Commissioners

Any county which owns or operates an airport has a department of aviation under the control of a Board of Aviation Commissioners. The board consists of four non-salaried members, no more than two of whom may be of the same political party, appointed by the Board of County Commissioners.

The county department of aviation, under ordinances adopted by the County Council, has the duty to hire employees and do all other things necessary to the operation of the airport. Authority of the County Board of Aviation Commissioners is extensive, and is identical to the authority granted similar boards and departments of aviation in cities and towns. (See City Government section for detailed powers of the board.)

Joint airport authorities may be formed with Indiana counties and cities joining with counties and cities in neighboring states for the acquisition, financing and operation of air terminals.

In Marion County, the powers and functions ordinarily vested in a Board of Aviation Commissioners are conferred upon the board of the Airport Authority District. This board consists of four members, three of whom are appointed by the mayor and one by the Board of County Commissioners.

The agency responsible for the maintenance and operation of municipal airport facilities in Vanderburgh County is the five-member Evansville-Vanderburgh Airport Authority.

Taxes may be levied by the county for establishment or maintenance of airports or landing fields.

Other County Agencies

County Drainage Board. The county commissioners, or a board appointed by the Board of County Commissioners and consisting of three or five members at the discretion of the county commissioners, together with the county surveyor ex officio (or, in Marion and Lake counties, a deputy appointed by the surveyor to serve as non-voting member), constitute the County Drainage Board. An appointed board shall have at least one member who is a county commissioner with the remaining members being resident freeholders knowledgeable in drainage matters.

The board is responsible for construction and maintenance of public drains. Petitions for drainage construction are filed with the board which determines whether they are practicable and/or beneficial. The board determines assessments against affected

property owners, based on benefits they realize from the projects. Provided no remonstrances are successful, the board can contract for drainage construction and sell bonds, when necessary, for financing. The surveyor, as technical authority for the board, makes necessary studies and prepares specifications for drains. The surveyor also is supervisor of actual construction. The board can hire an attorney to handle legal details.

Airport Authority District. The Indiana Airport Authority District Act of 1971 authorized the establishment of an airport authority district by any county, city or town, acting individually or jointly, upon enactment of an appropriate ordinance by the council or councils of the municipality or municipalities having jurisdiction within the proposed district. The administrative agency of the airport authority district would be a board or authority with power to administer, maintain, operate and develop a publicly owned airport within the district. The board of authority would operate as a corporate municipality with power of eminent domain, police power and right of taxation and bonding powers, both general and revenue.

Economic Development Districts. Counties are authorized, by enactment of the 1971 General Assembly, to make payments to officially designated Economic Development Districts. Such a district is defined by statute as "a group of adjacent counties which contain at least two redevelopment counties, includes an economic development growth center, and has been designated as an Economic Development District by the United States government, upon the recommendation of the State of Indiana." Its purpose is to facilitate planning and development activities within the district.

The amount of the payments made may be based upon the assessed valuation of each county or upon the population of each county, the method and amount to be determined by the board of directors of the Economic Development District, subject to appropriations by individual county councils of counties comprising the district.

Library District. If a municipal library board files a declaration of consent to provide library services to the areas of the county not now paying a tax for such services, the county commissioners may, and upon petition of 20 percent or more of the registered voters of each of at least two-thirds of all townships not already taxed for public library purposes shall, establish by written resolution a county contractual Library District for the purpose of joining with the library district filing the notice of consent to provide library service. The governing board of the Library District so established consists of two members appointed by the Board of County Commissioners, two appointed by the County Council and three by the Board of School Trustees.

The functions of the board include the establishment of libraries and library branches, the purchase and loaning of books and the employment of personnel necessary to operate the library.

Library Services Authority. Municipal governing bodies, educational institutions and other agencies of government may join together to form a Library Services Authority to provide coordinated operation of a number of libraries. Any such agreement between two or more such agencies must be approved by the state attorney general. Each governing body is authorized to appoint a specified number to a joint board of directors serving staggered three-year terms without compensation. The board may establish reasonable rates and charges for services rendered, and its budget is met through pro rata charges assigned to the various governing bodies.

Capital Improvement Board of Managers. This board in Marion County is responsible for the management and operation of the Indiana Convention Center. The Convention Center receives the proceeds of a 5 percent tax levied on room revenues from public accommodation businesses in the county. In addition, the Convention Center receives \$350,000 a year payable from the cigarette tax and the proceeds of a 1 percent tax on food and beverage sales levied in 1981 to help fund construction of an annex to the Convention Center in the form of a domed stadium. The board is nonpartisan and is comprised of seven members, five of whom are appointed by the mayor and two of whom are appointed by the county commissioners.

Seventeen other counties have been authorized to impose a percentage tax ranging from 1 percent to 5 percent of the gross income from lodgings. A board of managers has been created to administer the tax in each of those counties. Legislation has empowered several cities to finance, construct and operate a convention and exhibition center.

Coliseum Directors. Coliseum directors consist of three members chosen by the private associations which join with the county in building and maintaining a coliseum plus the members of the Board of County Commissioners and the auditor as ex officio members. This is to be distinguished from private coliseum building associations, also authorized by state law.

Department of Parks and Recreation. The County Council may establish a Department of Parks and Recreation to administer and conduct a recreation program. The department is under the direction of a five-member board appointed as follows: two by the judge of the Circuit Court, two by the County Council and one by the Board of County Commissioners. Serving ex officio on the board is the mayor of the largest city in the county, or if there is no city in the county, a representative of the largest town who is selected by the president of the board of trustees of that town. If the county has more than one city of the second class, the mayors must agree on a single representative to serve as the ex officio member. There may be one or more additional ex officio members representing the Board of School Trustees and the County Cooperative Extension Agency.

Vanderburgh County Waterworks Board and Department. The 1974 General Assembly provided for the establishment in Evansville and the territory within five miles of that city of a special taxing district for the purpose of providing water service within the district. The Waterworks Department is to be supervised by a five-member board appointed by the mayor. The department is given authority to employ needed persons and is granted specified powers to accomplish its purpose. The district is empowered to set service rates, levy special benefit taxes and/or issue revenue bonds up to 8 percent of the total assessed valuation within the district.

Indianapolis Historical Preservation Commission. This commission was created to acquire and preserve areas and structures of historical interest in Indianapolis, such as Lockerbie

Square which includes the home of James Whitcomb Riley, at its discretion. Areas proposed by the commission for preservation are subject to approval of the county Metropolitan Plan Commission and the City-County Council.

Authority of the nine-member commission, appointed by the mayor of Indianapolis, includes the right of eminent domain. It is authorized to work with other governmental agencies in the development and carrying out of plans.

Regional Transportation Authority. A county may establish a Regional Transportation Authority to acquire, improve, operate, maintain, finance and generally support a public transportation system upon the adoption by the County Council of an ordinance creating such authority. No more than one Regional Transportation Authority may be established within each planning district but it can include more than one county.

The authority must have a board consisting of two members appointed by the board of commissioners of each participating county; one member from the largest city or town within each participating county appointed by the mayor or chief executive officer; one member from each second class city within the district appointed by the mayor, and one member from any other participating municipality which has public transportation responsibilities.

The regional planning commission is directed to serve as staff to the board secretary for recording the minutes and keeping authority records.

Among the broad powers conferred upon the board are those to purchase public transportation service from transportation agencies; to acquire, construct, equip, maintain, control and regulate public transportation systems; to enter into agreements with other parties, including governmental agencies, municipalities, private transportation companies, corporations and other concerns providing (a) for construction, operation and use by such other party of any public transportation system and equipment held by the authority, or (b) for acquisition of any public transportation system and equipment of another party where the whole or any part of the operations of such party takes place within the district.

Port Authority. Any county, city, or combination of them may create a Port Authority with power to build and operate docks, wharves, warehouses and other facilities, improve channels, issue bonds and levy property tax for the purposes best suited to such county port authority. Except in Lake County, the authority has the power of eminent domain.

Other County Officers

Other county officers appointed by the Board of County Commissioners include the county veterinarian and various inspectors.

Court reporters, bailiffs, probation officers and other court officials are appointed by the respective courts they serve. Jury commissioners are chosen by the judge of the Circuit Court.

County Courts

Circuit Courts

The 90 circuit courts in Indiana are courts of original jurisdiction; each is presided over by a judge elected from the circuit for a term of six years. A circuit may be one county or a combination of counties. (See map for current status.) Circuit court judges, like judges of all state and county courts, must be admitted to the practice of law for eligibility to preside.

Prior to 1983 the circuit judge had appointive powers for several important county administrative boards. In order to separate the powers of judicial, legislative and executive branches of government, the General Assembly transferred the majority of these appointive powers to the county commissioners.

Circuit court jurisdiction includes cases in equity, criminal cases, divorces and all other matters not specifically conferred by law on some other court, board or officer. In all counties except those having a juvenile or probate court (or where, by special legislation, the jurisdiction became that of the superior court) the circuit court and circuit judge have juvenile jurisdiction. The circuit judge may transfer cases to a superior court within the county. The court may adopt its own rules of procedure within the laws of the state and the regulations of the Indiana Supreme Court.

The circuit court judge has the power to request from the governor the use of State Police to maintain order during an emergency in the county.

The circuit judge also has authority to: (1) appoint administrators for the estates of non-residents for the purpose of bringing an action to recover damages in case of a fatal accident (this power also is given the superior or probate judges within their respective jurisdiction); (2) regulate the manner in which notice of sale of real estate in decedents' estates shall be given; (3) order reappraisal of estates where appraisal is believed to be too high or too low; (4) rule on adoption petitions, and (5) exercise discretion in setting the period of supervision of adopted children.

Small Claims Docket. By a 1972 statute which provided a separate judicial circuit for Brown County, the judge of Brown County Circuit Court was directed to maintain a special docket to be entitled the "small claims docket." The law specified that the court shall have original and exclusive jurisdiction for the county in all matters which previously were brought before justices of the peace, or city and town courts of the county. In granting this jurisdiction, the legislature abolished all town courts and justice of the peace courts in Brown County.

The 1974 session of the General Assembly created separate judicial circuits for Franklin and Union counties and directed the governor to appoint a judge and prosecuting attorney for Union Circuit Court. The legislation decreed for each court a small claims docket, of the same kind as in Brown County, and abolished justices of the peace and city and town courts in these counties, except for Brookville Town Court in Franklin County.

In 1975 the legislators tackled the job of replacing 450 justices of the peace whose posts were being abolished by earlier legislation. In a sweeping measure (P.L. 305), the General Assembly provided for a statewide network of minor county courts and small claims dockets for circuit courts. The bill altered the exist-

ing small claims docket arrangements for Brown, Franklin and Union circuit courts and created new small claims dockets for 22 others.

This action gave circuit courts a simplified and informal procedure for handling small claims, eviction actions and certain traffic violations. (See County Courts later in this section for map and description of scope.) However, the necessity for the circuit court judges to begin handling the additional docket expanded their work loads. To ease this condition, another 1975 bill allowed the Supreme Court administrators to transfer circuit judges on a temporary basis from one court to another within strict boundaries. The Supreme Court has permitted appointment by circuit judges of referees to handle small claims and misdemeanors, including traffic cases. Additionally, as of July, 1987, 26 circuit courts have hired commissioners to assist with their case loads. Some of the commissioners have been given statutory jurisdiction while operating by local rule with seemingly concurrent circuit court jurisdiction.

Discipline of Judges. The Commission on Judicial Qualifications for the Supreme Court and the Court of Appeals also has authority over all state judges. Judges thus are subject to censure or removal by the Supreme Court if recommended by the commission on such charges as willful misconduct in office, persistent failure to perform duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. Also, a judge may be retired for a disability that interferes with the performance of duties.

Superior Courts

The jurisdiction of each superior court within the state is defined specifically in the statute creating and regulating it. For this reason, jurisdiction of a superior court in one county may vary considerably from that of such a court in another county.

A superior court judge is elected for a term of six years by the voters of the county. Judges in Vanderburgh, Lake and St. Joseph counties are selected by a nonpartisan system, the pattern for which was established by a 1970 constitutional amendment for selection of the judges of the Supreme Court and the Court of Appeals.

The Allen Superior Court was the first to be subject to the new method. By the 1971 law making such provision, the existing superior courts, the juvenile court and the city courts in Allen County were reorganized into one superior court consisting of six judges and having concurrent and coextensive jurisdiction with the Allen Circuit Court. However, a 1982 law returned Allen County to the partisan election of its superior court judges.

By 1972 legislation, provision was made for the four judges of the Vanderburgh Superior Court to be selected by the nonpartisan method. (This court had been reorganized in 1969, at which time the probate court was abolished and the superior court assumed all the powers and duties previously conferred on the probate court, including jurisdiction in juvenile matters.) By 1973 legislation, two additional counties — Lake and St. Joseph — joined the ranks. In Lake County, the statute abolished the existing five-judge superior court, the juvenile court and the criminal court and provided for a consolidation into a Superior

Court of Lake County consisting of 10 judges. The new court has civil (including probate), criminal and juvenile divisions. In St. Joseph County, the selection procedure for the five judges was similarly changed.

Under the new process, which is essentially the same in each of the four courts, an incumbent judge is permitted to retain the seat for the remainder of the term. At the following general election, the incumbent is subject to county-wide yes-or-no ballots on the question of being retained in office. When retained in office by this referendum, the incumbent starts a new, six-year term. When new judgeships are created or vacancies filled by the governor, the appointees must be from among those proposed by a seven-member, nonpartisan Judicial Nominating Commission (one was created in each of the counties affected). Judges so appointed serve a minimum of two years and then are subject to balloting on retention in office at six-year intervals.

Forty-two counties have superior courts in varying numbers. Ohio and Switzerland counties share one superior court between them. (See map for current status of all counties.)

County Courts

Following Hoosier voter approval in 1972 of a constitutional amendment to remove justices of the peace from the Indiana Constitution, the General Assembly in 1974 agreed to abolish all justice of the peace courts. The loss of these lowest-level courts brought about the need for a new court system to replace

them. In 1975, legislators decided to replace not only the JP courts, but also city and town courts, with a combination system consisting of new minor courts called "county courts" or new small claims dockets for circuit or superior courts.

This landmark legislation (P.L. 305) initially created 58 county courts covering 63 counties, effective Jan. 1, 1976. Lake County received three such courts. There were two county courts established in each of five counties — Delaware, Elkhart, La Porte, Madison and Vigo. There was one county court established in each of 34 counties, and 11 courts were established to serve two courts jointly. A county court was later established in Blackford County.

Fifty-six new judges were named to the bench in the new county courts. In the remaining two instances, county court judges already sitting in courts created by special legislation (Hancock County, 1972; Hendricks County, 1974) retained their seats in new courts created to replace those abolished by P.L. 305.

In addition to the 63 counties covered by county courts, 24 counties were covered by the addition of small claims dockets to circuit courts. (See Circuit Courts in earlier portion of this article.) Three counties added small claims benches to their unified superior court systems (Vanderburgh, three new judges; Allen and St. Joseph, two each). Warrick County got a new superior court by virtue of 1975 legislation, and that court was given a small claims docket. Marion County also enjoyed special legislation to create new small claims courts. Its justices of the peace were given interim appointment to the bench in the townships formerly served by the JP courts; they also were eligible to run

Indiana Circuit Court Districts



Indiana Superior Court Districts



for election for four-year terms. The Marion County small claims court are not courts of record and handle civil cases only — no misdemeanors.

For the county courts covering the 63 counties as described above, interim judges were appointed to one-year terms by the circuit court judges. Legislation in 1984 increased the county court judges term from four to six years. County courts judges serve full-time at a salary of \$50,000 annually, of which a minimum of \$7,625 is funded by the county or community served, and the rest is paid from the general fund.

County courts are courts of record and may use six-member trial juries. Their jurisdiction includes civil claims not exceeding \$10,000, Class D felonies, misdemeanors and infraction cases. Small claims dockets, involving informal procedures and having generally the same rules and scope as the small claims dockets of circuit courts, cover civil actions of up to \$3,000, including evictions. Traffic violations bureaus accept the payment of fines for certain vehicular offenses without the necessity of appearance in court.

Another provision of P.L. 305 abolished all city and town courts throughout Indiana effective Dec. 31, 1979, except for the city courts in Gary, Hammond and East Chicago, expiring Dec. 31, 1983. However, authority was restored in 1981 for establishment or abolition of city courts and town courts by ordinance. In 1987, the General Assembly abolished the city and town courts in Jay and Randolph counties.

Changes have been enacted to the county court law each year since 1975. (See map for current status.)

Marion County Courts

Marion County has a circuit court and a unified superior court having jurisdiction over civil, criminal, probate and juvenile matters. The criminal division of the superior court consists of six judges. The county clerk and sheriff are officers of the court. Judges of the courts are elected for six-year terms by popular vote of the county and are commissioned by the governor. Vacancies in these judgeships are filled by gubernatorial appointments.

Marion County also has a municipal court. By 1971 legislation, which brought four magistrate courts into the municipal system, the judges of the Marion County Municipal Court were increased from 11 to 15 — consisting of one presiding judge and 14 trial judges. (A 1985 law requires that 13 of the trial judges be full-time and one be part-time.) The 1981 General Assembly created a mental health division of the Municipal Court. Provision was made for all incumbent judges to serve until the end of their terms. Vacancies occurring at the expiration of their terms or otherwise are to be filled by appointment of the governor from a list of three nominees submitted to him by an 11-member bipartisan Judicial Nominating Commission created by the act reorganizing the court. Appointments are for a term of four years. The law stipulates that not more than eight of the 15 judges be affiliated with the same political party. Each full-time judge is paid an annual salary of \$50,000.

St. Joseph County Probate Court

After 1969, the only county other than Marion left with a probate court was St. Joseph. This court, in addition to having jurisdiction on matters of wills and the handling of estates, has the assignment of all juvenile cases. It has no jurisdiction in civil actions. The judge continues to be elected for a four-year term by popular vote.

Salaries of Judges

The total annual salary of each full-time judge of a circuit, superior, municipal or probate court is \$56,000. The state and county respective contributions in support of judicial salaries are determined by each county's class in respect to population.

One judge may substitute for another. An out-of-town judge who presides in a court is entitled to per-diem payment for services rendered. If the judge resides outside the county in which court is located, the judge is entitled to mileage and lodging and meal reimbursement.

ANNUAL SALARIES OF JUDGES

Class Number	Annual Salary	From State General Fund	Minimum From County Funds
1-2	\$56,000	\$46,500	\$9,500
3-6	56,000	49,500	6,500
7-9	56,000	51,500	4,500

COUNTY COURTS; SMALL CLAIMS COURTS



Court Administrator

By 1975 legislation, the General Assembly made provision for the appointment of a court administrator in any county having a population of more than 100,000 persons by a majority vote of the judges in the county to serve at their pleasure and at and circuit court determine that the number of domestic relations cases in the courts and the social conditions in the county make such a bureau necessary for proper consideration of such cases. The purpose is to provide counseling service to parties to divorce, separation or annulment actions filed in the courts and referred to the judges. Funds to pay for the operation of the bureau are to be raised by a special \$15 fee in each filing for divorce, separation or annulment.

Domestic Relations Court

In judicial circuits throughout the state which have three or more judges of the superior court, the judges of such courts and the judge of the circuit court may, annually in January, designate one or more of their number to hear the domestic relations cases in the circuit, designating the court as a domestic relations court. This can be done only when the judges determine that the social conditions in the county and the number of domestic relations cases in the courts warrant a court of special jurisdiction for such domestic issues as divorce and annulment.

In each of the judicial circuits in which a domestic relations court is established, judges of the superior court and the circuit court may appoint one or more professionally qualified domestic relations referees, counselors and such other persons as are necessary for the court to carry out its functions.

Domestic Relations Counseling Bureau

A Domestic Relations Counseling Bureau may be established in Marion County in the event the judges of the superior court and circuit court determine that the number of domestic relations cases in the courts and the social conditions in the county make such a bureau necessary for proper consideration of such

cases. The purpose is to provide counseling service to parties to divorce, separation or annulment actions filed in the courts and referred to the judges. Funds to pay for the operation of the bureau are to be raised by a special \$15 fee in each filing for divorce, separation or annulment.

Jury Commissioners

The judge of the Circuit Court appoints two citizen freeholder residents of the county, one from each major political party, as jury commissioners. The jury commissioners annually select from the tax duplicate list a number of qualified voters and property holders from which to select grand and petit jurors.

The number selected is double the number required for all such juries. The names are placed in a locked box and turned over to the clerk of the Circuit Court. The key to the box is retained by one of the commissioners of the opposite political party from that of the clerk.

Number of Jurors

Since becoming a state in 1816, Indiana has given its residents the privilege of trial by jury. The number of jurors in criminal trials where the defendant is charged with murder or a Class A, B or C felony is 12. In all other criminal trials, and in civil trials, the jury is to consist of six persons.

County Grand Jury

The clerk of the Circuit Court must draw publicly six names which constitute the Grand Jury from the box submitted by the jury commissioners. The foreman is designated by the judge of the Circuit Court; the secretary is elected by the jury.

The Grand Jury is charged with the duty of inquiring into:

1. All cases of persons imprisoned and not indicted.
2. All cases of persons out on bail and not indicted.
3. All cases of misconduct of public officers.
4. Conditions and management of jails and infirmaries.
5. Violations of criminal laws of the state.

TOWNSHIP GOVERNMENT

□ **General.** The references made to townships in Article 6 of the Indiana Constitution (dealing with the administrative branch of government) are limited to unspecified township officers. The article does not specifically direct or provide for the creation of townships nor express the limits of township authority. Section 3, for example, provides that "township officers as may be necessary shall be elected or appointed in such manner as prescribed by law." There are 1,008 townships in Indiana and their number in a given county varies considerably, from four in Blackford, Brown, and Ohio counties to 21 in La Porte County. There is an even greater variance in population, ranging from 88 in Wabash Township of Gibson County to 208,624 in Center Township of Marion County (1980 U.S. Census).

In general, townships function in two major capacities: (1) as civil corporations for the administration of poor relief, assessment of taxable property and related functions, and (2) as school corporations for administration of elementary and secondary schools. Many townships lost their school functions when education systems were reorganized and greatly reduced in number throughout the state in the late 1960s.

The power to create or abolish townships, or alter their boundaries, is vested in the Board of County Commissioners, which may act upon petition of a majority of the freeholders in the townships affected. However, there have been few instances where such power has been exercised over the last 25 years.

The legislature has provided that where the federal government has taken over large areas of townships, leaving 18 square miles or less of taxable territory, the territory remaining may consolidate with an adjoining township upon a petition signed by 35 percent of the freeholders in the township wishing to merge and subsequent action by the county commissioners.

A township may join, for planning and zoning purposes, a city which has an established plan commission and has adopted zoning and subdivision control ordinances if the township or any part of it is contiguous to (1) a city boundary, (2) an area over which a city is exercising planning and zoning authority, or (3) another township which has joined a city under the same provision.

Township Trustee

The township trustee is the chief administrative officer of the township and must be a resident of that township.

The trustee is elected for a term of four years by vote of the entire township. The salary of the trustee is established by the Township Board (formerly called Township Advisory Board) but may not be fixed below the amount actually paid in 1980, prior to the legal minimums being repealed.

The trustee prepares the annual township budget for submission to the Township Board and has general control over all property belonging to the township. The trustee also serves as chief administrative officer for township schools and, in townships having a population of less than 8,000, serves as township assessor.

Overseer of the Poor. Every township trustee is designated as the overseer of the poor. Whenever a claim for relief is made for the benefit of any persons or families of persons claiming to

be poor and in distress, it is the duty of the overseer of the poor to investigate carefully the circumstances of such poor persons and grant relief if the need is verified. Such poor relief includes food, shelter, clothing, utility bills and school lunches.

The township trustee as overseer of the poor may employ and fix the salaries of investigators of poor relief claimants within prescribed limits. The trustee may designate the county school attendance officer as such an investigator; if the county commissioners approve, the attendance officer is required to serve.

In the event an indigent person is injured on a public highway, the trustee of the township in which the injury occurs has the responsibility of reporting such matter to the county welfare office so proper medical care may be provided. In poor relief activities the trustee must follow a law requiring uniform budgeting of all poor relief funds and the filing of such budgets with the county auditor. Township relief is "in kind" in that the recipient usually receives orders for groceries or services rather than cash.

It is the duty of the overseer of the poor to provide for and superintend the burial of deceased indigent persons.

The trustee must, in cases of necessity, promptly provide medical and surgical attendance for the township poor who are not provided for in public institutions, and must also furnish medicines as are prescribed by the physician or surgeon in attendance. This responsibility specifically includes the provision of insulin for diabetics, and also includes authorization to provide special diets if prescribed.

Removal to County Home. The overseer of the poor shall, from time to time as persons may become permanent charges upon their respective townships as paupers, have such persons removed to the county home, subject to the approval of the Board of County Commissioners.

Work Required. If the persons applying for assistance are in good health, or if any members of their family are so, the overseer shall insist that those able to labor shall seek employment, and shall refuse to furnish any aid until satisfied that the persons claiming help are endeavoring to find work for themselves.

Responsible Relatives. If the persons applying for township aid have relatives able to assist them who are living in the township, it is the duty of the trustee, before giving aid a second time, to call on such relatives of the persons and ask them to help their relatives, either with material relief or by furnishing them with employment.

Cooperation with Private Agencies. It is the duty of each trustee to ascertain the existence in the township of societies for relief of the poor or other organizations for charitable purposes, if any; to become acquainted as far as possible with the work of all such relief organizations, and to cooperate with them.

Transportation. It is unlawful for the trustee to furnish any non-resident who may be sick, aged, injured or crippled with transportation at the cost of the township until after the overseer shall have ascertained beyond a reasonable doubt the legal residence of the person applying for such assistance.

Records of Relief. Every trustee and other official who administers relief from the public funds to indigent persons who are not inmates of any public institution must keep records of such relief. Because the office of township trustee is a public office, the law requires that the trustee's records and books remain open for public inspection.

Conduct of Rehabilitation, Training and Work Programs. For recipients of poor relief of the township, the township trustee, with the approval of the Township Board, may conduct rehabilitation, training, retraining and work programs. The costs of such programs are paid from poor relief funds.

Eradication of Weeds. The township trustee may require owners of real estate located "in a subdivision of any lots situated in his township, including lots in unincorporated towns, and outside the corporate limits of any city town," to cut and remove weeds and other detrimental plants on that property. The order may be in the form of a five-day written notice served by certified or registered mail or the notice may be served personally on the landowner by the county sheriff. If the landowner fails to take the requested action, the township trustee may have the vegetation removed and charge the cost to the landowner, along with a \$20 charge for supervision of the action. There is a legal penalty for non-compliance. Should the owner fail to pay the sum due within the prescribed time, the amount shall be added to the tax due on the affected property and collected as taxes are collected.

Dog Tax Fund. The township trustee is responsible for collecting the dog tax, and may retain up to \$300 in a dog fund used primarily to pay damages if livestock, poultry, game animals or other creatures are wounded or damaged by dogs within the township. The owner of livestock, poultry or game that has been damaged files with the township trustee an affidavit, also signed by two freeholders, describing the damage sustained. The damage cannot exceed the actual cash value of stock, poultry or game. The trustee enters all losses in the order in which they are reported and authorizes the drawing of an order from the dog fund in the amount of the damage.

Also paid from the dog fund is the expense of treatment for rabies by any person bitten by or exposed to a dog known to have rabies. Trustees may retain 50 cents from every dog tag sale for the cost of administration, and the County Council may by ordinance designate that the county Humane Society receive 50 cents from every dog tag sale to maintain an animal shelter.

If there is a surplus of more than \$100 in the dog fund of the township at the close of the year, it must be paid into the county dog fund. If there is a surplus in the county dog fund, it is paid to the state auditor for the state dog fund. All funds in excess of \$50,000 remaining in the state dog fund at the end of each year must be distributed by the auditor of the state. After a specified portion of the excess is allotted to Purdue University for canine disease research, the remainder is distributed to the general fund of each county in proportion to the total amount paid into the dog account by the county.

Conversely, if any dog fund is exhausted, the state auditor pays a sufficient amount over to the county auditor to pay outstanding claims.

Township Schools

Power of Trustees. In those school districts still administered by township trustees (29 in 11 counties), the trustee is vested with almost complete powers in all school matters. These powers are subject, of course, to supervision and review by cer-

tain state agencies and to certain review by the Township Board. In counties adopting the county unit plan of school administration or in which township school corporations are otherwise reorganized under the jurisdiction of school boards, the trustees individually cease to administer the schools of their townships. Under one of the optional county unit plans, however, all trustees of the county acting as a county board of education administer the affairs of the township schools at the county level.

Administration of township schools in townships having a population of not less than 3,500 may be placed by the township trustee under the direction of a school corporation and a board of school trustees established for that purpose. The trustee continues to serve as a member of the school board of such corporation by virtue of office. Other board members are elected at a general election.

General Duties. The duties of the township trustee, as school administrator, are:

1. To employ teachers with the approval of the county superintendent of schools.
2. To establish and locate conveniently a sufficient number of schools for the education of the township children.
3. To provide suitable school buses, transportation, furniture, apparatus and other articles and educational appliances necessary for efficient management of schools.

Trustees of two or more townships may initiate a plan, with approval of the Commission on General Education of the Indiana State Board of Education, for forming a metropolitan or consolidated school district.

Special school funds may be used to purchase fire-fighting apparatus to be used outside city and town limits.

School townships and civil townships are authorized to issue bonds to finance the completion of school buildings or additions under construction.

(See also School Corporations in another section of this book.)

Other Duties of Trustees

Other functions of the township trustee include the following:

1. To keep a true record of official proceedings of the township office.
2. To receive and disburse all monies belonging to the township.
3. To have the care and management of all property, real and personal, belonging to the township, with authority to bind the township within the limitations of the trustee's function. This includes the authority to enter into leases with private concerns for the mining of oil and gas on township property.
4. To care for abandoned cemeteries.
5. To administer oaths where necessary in the discharge of duties of office.
6. To serve property owners with ditch cleaning notices on behalf of the county surveyor.
7. To build line fences where the affected property owners fail to agree to do so.
8. To serve as a member of the County Welfare Board (but not as president) if chosen as the township trustee representative in the county.
9. To serve as a notary public (but may not charge for such service).

Reports. The trustee must examine and settle all accounts and demands chargeable against the township, and must keep

an accurate and current account showing amounts received into and paid out of each fund, and to whom paid, as well as the whole receipts and expenditures by one general account.

The trustee shall file all accounts as vouchers and report the same to the Township Board in the annual settlement. The law provides that the township trustee must have the annual report published within four weeks from the time it is filed.

The county treasurer, immediately after this annual settlement with the county auditor, must, on the warrant of such auditor, pay over to the proper township trustee all funds belonging to each township.

The records and other books of the township trustee must always be open for public inspection.

May Appoint Attorney. The trustee may appoint an attorney to defend any suit or proceeding in which the township may be interested.

Summer Recreation Programs. The township trustee has the authority, either independently or in cooperation with a school board, school corporation, city, town or other governmental unit, to establish and sponsor summer recreation programs, the cost to be paid from civil township funds.

Community Services. Within funding capabilities, the township trustee has wide authority to establish or maintain a variety of community services. These include, but are not limited to, parks and programs for the elderly.

Fire Protection. The trustee, with the consent of the Township Board, may purchase fire-fighting equipment and employ firemen, or may join with the trustee of one or more adjoining townships in providing joint fire protection. The trustee may contract with cities, towns or volunteer fire-fighting companies to supply fire protection, ambulance service and paramedic programs.

Trustee as Township Assessor. In addition to the duties outlined previously, the township trustee serves as township assessor in townships with less than 8,000 population. Deputies may be employed by the trustee to assist in the assessing duties.

Township Board

Citizens of each township elect, for four-year terms, a Township Board (formerly Township Advisory Board) consisting of three residents freeholders and qualified voters of the township.

The Township Board has responsibilities in the township similar to those exercised by the County Council.

Its functions are:

1. Adoption of the annual budget.
2. Fixing of the tax rate for various funds.
3. Imposing of the tax levies, subject to review by the County Board of Tax Adjustment and the State Board of Tax Commissioners.
4. Authorization of the incurring of indebtedness.
5. Approval of township contracts.
6. Serving as a township board of finance for the purpose of selecting depositories for township funds.
7. Fixing the salaries of all elected and appointed officers and employees of the township, excluding constables, township assessors and deputies and employees of county assessors.

The board's powers apply to both civil and school township functions.

Community Services. The Township Board may execute contracts with not-for-profit corporations to provide health and community services, including visiting nurse's services, not specifically provided by a governmental agency or department.

General Duties. The Township Board must consider the various estimates of township expenditures proposed by the township trustee. It has authority to reject any proposed item, in whole or in part.

When the board has determined the amounts for which taxes should be levied upon the property within the township for the ensuing year, based upon the budget estimates of the township trustee, it must then determine and fix the rates of taxation. The rates so determined must then be certified to the county auditor, who shall place the tax upon the tax duplicates. This is subject to review by the County Tax Adjustment Board and the State Board of Tax Commissioners. The rates prescribed are deemed a levy and lien upon the taxable property within the township for the year.

At the annual September meeting, the board must levy a tax for both civil and school township funds upon all the taxable property within the township, including the taxable property in cities and incorporated towns within the boundaries of the township where such cities and towns are served by township schools. Tax levies for poor relief cover all taxable property within the township boundaries, town and city as well as rural.

At least 10 days before the annual meeting of the Township Board, the trustee must publish the amount of the proposed budget of the township, together with the tax rate necessary to raise that budget. Such publication shall appear in two newspapers of opposite political affiliation having proper circulation with the township.

The trustee must attend all of the meetings of the Township Board. At the annual meeting of the board, after a board shall have organized, the trustee shall present a detailed and itemized statement in writing of the estimated expenditures for which appropriations are asked.

Upon a special call of the township trustee or the board chairman, the Township Board may determine whether an emergency exists for the expenditure of any sums not included in the existing estimates and levy. In the event that such an emergency is found to exist, the board, by special order, may authorize the trustee to borrow money sufficient to meet the emergency, subject to the approval of the State Board of Tax Commissioners.

The Township Board must attend the sale of bonds and warrants. The board must levy sufficient taxes annually to pay all warrants or bonds, plus interest, which mature during the year. The trustee must apply such annual revenue to the payment of the warrants of bonds each year.

The board must keep a record of its proceedings, which record remains in the custody of the chairman of the board. The board is empowered to appropriate, and the township trustee to pay out of the township funds, a reasonable sum for attorney's fees for the purpose of preparing documents for bond issues.

Township Assessor

The main function of the township assessor is to establish the value of real and personal property for tax purposes. The township assessor also reviews assessments and makes property lists and plats. Plats are made by the township assessor only if the township has a population of 35,000 or more, or includes a city of the second class. In all other cases this function belongs to the county auditor. (In Marion County the assessor has authority for all matters concerning real estate and tax that would

ordinarily be the responsibility of the county auditor.)

In townships of more than 5,000 population the assessor is elected by vote of the township for a four-year term. If the assessor fails to furnish satisfactory bond to the county auditor, the office is declared vacant and is filled by the precinct committeeman of the same party.

To advance intra-county uniformity in assessment procedures and to advise and instruct assessors as to their legal duties, the county assessor is required to call at least one annual meeting. The assessor may call as many additional meetings as deemed advisable, to be attended by all township assessors and township trustees acting as assessors.

The assessor places an assessed value for taxing purposes on all real and personal property within the township. The assessor also assesses and collects the dog tax in accordance with the schedule set forth in the law.

Annual Meeting of Assessors. Assessing officials must attend the annual meeting of county and township assessors called by the State Board of Tax Commissioners. Travel allowances and other expenses are paid for this purpose.

Township Planning. A township may join, for planning purposes, a city or a county which has an established plan commis-

sion and has adopted zoning and subdivision control ordinances, if the township meets certain statutory conditions in its relation to the city or county. The procedure required includes the filing of a petition, signed by a specified number of freeholders in the township, with the township trustee. This official submits the petition to the city plan commission which must obtain approval from the Common Council (or to the county plan commission with subsequent approval from the Board of County Commissioners). As a condition of acceptance, the city or county may require the township to contract for the payment of an equitable amount of the cost of planning and zoning within the township. If a joinder agreement is reached, the township is allowed proportional representation on the plan commission. The appointments to the commission are to be made by the township trustee, with approval of the Township Board.

School and Township Boards of Finance

The Board of School Commissioners and the Township Board constitute boards of finance for their respective school corporations and exercise general supervision over unit funds.

CITIES AND TOWNS

Cities and towns are empowered by state law to perform a vast number of services and to impose a wide range of regulations affecting the daily lives of all who live within their corporate limits. City and town government, therefore, is very close to a large portion of Indiana's citizens.

There are in Indiana 115 cities and 450 incorporated towns. Under the general laws of Indiana, cities in this state are incorporated under a statutory scheme in accordance with set classes determined on a population basis.

Classes of Cities. Cities of the various classes are set up on the basis of population within the city limits as follows:

First Class	250,000 and over
Second Class	35,000 to 250,000
Third Class	below 35,000

Towns are established as those incorporated places having less than 2,000 population. However, some places having more than 2,000 population still are classified as towns because they have not held necessary elections to become cities (the town of Speedway, for example).

In addition, there are a number of communities in Indiana ranging as large as 10,000 in population which have never incorporated and which, as a consequence, are neither cities nor towns. They are governed by the Board of Commissioners of the county in which they are located.

Any civil town with a population of more than 2,000 may take steps toward becoming a city of the third class. The action is initiated upon a petition of one-third of the registered voters in such town, asking the Board of Town Trustees to adopt a resolution submitting to the voters the question of whether the town should become a city. A majority vote of those voting is sufficient to reconstitute the town as a city.

Creation of Towns. Towns are created upon petition filed with the county commissioners of the county in which a major part of the area to be incorporated is situated. The petition must be signed by at least 50 owners of real property within the area. It must be accompanied by an accurate survey of land contained in the area, an enumeration of the residents and landowners, a statement of the assessed valuation of all real property within the area, a statement of the services to be provided to the residents, an estimate of the cost of such service, and the name to be given to the proposed town.

The county commissioners, upon receipt of the petition, forward one copy to the Indiana Department of Commerce and one copy to the plan commission, if any, having jurisdiction. These agencies are required to report their recommendations for approval or disapproval to the commissioners.

If no remonstrance is presented, after the required public hearing has been held and the commissioners have satisfied themselves that all requirements have been met, an ordinance may be adopted incorporating the town.

New towns may not be incorporated within four miles of Indianapolis or within three miles of any other city. There are two exceptions, however. These limitations on incorporation do not apply in Lake County. Furthermore, the limitations do not apply if the city grants consent by means of an appropriate ordinance duly adopted and approved.

The common councils of cities and the town trustees have power to define and declare the corporate limits or boundaries of cities and towns. Such limits, of course, must be confined to contiguous territory.

Annexation of Territory. The annexing of more territory can be achieved through the passage of an ordinance by the City Council or town trustees. However, no city may be annexed to another such city except through passage of ordinances by each city and a subsequent election in both in which the majority of

for the court to hold a hearing and make a determination with respect to the annexation.

Remonstrances Against Annexation. Whenever annexation of territory to a city is proposed, an appeal to the courts may be taken from such annexation, either by a majority of the landowners in the territory or by the owners of more than 75 percent in assessed valuation of the real estate in the territory, if they believe themselves injuriously affected.

If the court finds that the annexation is in the best interests of the city and that the other requirements for annexation prescribed in the law apply, it must rule that the annexation take place despite the remonstrance. If, however, it can be demonstrated that the proposed annexation is not advisable, the court may rule against such annexation.

the qualified voters vote in favor of such a union. Also, a municipality may not annex territory located in an adjoining county unless part of the city or town was within that county prior to Jan. 1, 1982, or permission to annex is granted by the county commissioners. Special laws govern annexation and incorporation of areas adjoining the city of Indianapolis.

When additional areas are annexed to a city or town, the city or town is obligated to assume the indebtedness of such territory outstanding at the time of the annexation, and to provide a fiscal plan outlining projected service needs of the area.

The owners of 51 percent of the land in an area contiguous to a city may petition the Common Council of the city for annexation. The council within 60 days from filing of the petition may file a duplicate of the petition with the circuit or superior court in the county in which the area is located, making it necessary

City and Town Government

Indianapolis: Consolidated City

On January 1, 1970, Indianapolis and Marion County became one consolidated governmental unit (dubbed Unigov) with a basic structure reflecting that of the federal government. Unigov features a strong executive (mayor) heading a cabinet of appointive officers (department directors) and balanced by a strong legislative body (council).

As embodied in legislation (Senate Enrolled Act 543) adopted by the General Assembly in 1969, the Unigov plan has:

1. Expanded the city's boundaries to coincide with those of Marion County and create a city whose area measures 388 square miles (excluding only four self-governing communities surrounded by the city).
2. Increased by some 50 percent the Indianapolis population figure (1970 census: 745,739), thereby elevating the city's population ranking from 26th to 11th nationally. (The 1980 census listed the city's population as 700,807, placing its rank nationally as 14th.)
3. Installed a county-wide executive structure and legislative body and a unified form of budgeting.
4. Endowed the consolidated city with powers and functions formerly scattered among various city and county officials and a multitude of departments, agencies, boards and commissions.

The plan took Indianapolis a long way toward complete metropolitan government. It provided for a mayor and council of 29 members, all elected for four-year terms. However, it did not alter nor combine school districts, did not extend police and fire protection throughout the county (although allowing for subsequent expansion), and did not permit any further extension of city boundaries past Marion County.

The Unigov plan excluded cities plus towns of 5,000 or more population from the terms of consolidation, leaving the cities of Beech Grove, Lawrence and Southport and the town of Speedway as self-governing islands surrounded by Indianapolis. As residents of the county, however, dwellers in the four communities pay taxes for most metropolitan functions and have the privilege of voting for mayor of Indianapolis, for a council district seat, and for four at-large seats in the City-County Council.

The mayor is eligible to serve an unlimited number of terms. As chief executive the mayor has wide appointive powers, including the right to name deputy mayors, department heads and many division heads, all to serve at the mayor's pleasure when confirmed by City-County Council. The City-County Council

has, in addition to four at-large members, 25 members elected from as many districts which are periodically apportioned to reflect population. The council appoints its own clerk. Included in its powers are "watchdog" functions, subpoena powers, authority to review policies as well as fiscal matters, and substantial budget review authority.

The council is given power of approval on bond issues proposed by special taxing districts. Left in existence are the Airport Authority, Health and Hospital Corporation, Welfare Department, County Home Board, Building Authority, Capital Improvements Board, library districts and boards and school corporations. The council may review and modify all budgets except the school corporations and bodies receiving no local tax funds (Building Authority and Capital Improvements Board).

The Unigov plan redistributes most of the powers of the three Marion County commissioners to the mayor. County commissioners are no longer elected. The Marion County treasurer, auditor, and assessor serve ex officio and without extra pay as commissioners and perform certain constitutional duties, such as issuance and payment of bonds.

City-county business is carried on through six departments (administration, metropolitan development, public works, transportation, public safety, and parks and recreation), each headed by a director and funded via special taxing and service districts. These districts permit established legal units to request extension of city-county services to their residents. Five-member advisory boards assist the administration, public works, transportation, public safety and parks and recreation departments. Except for the Administration Advisory Board, the mayor appoints two members of each advisory board and the council appoints two; the fifth member (and chairman) is the department director, who is appointed by the mayor. Two members of the Administration Advisory Board are appointed by the council; the other three are the director of the department, the county auditor and the city controller.

The Metropolitan Development Commission acts as an advisory board for the Department of Metropolitan Development. The six city departments are arranged functionally, as follows:

Administration. This department provides internal house-keeping functions for the consolidated city, including finance, purchasing, legal, personnel, equal employment opportunities, community services, maintenance of city-owned vehicles and

records. The legal division merges the separate legal offices that formerly served separate agencies in Marion County.

Metropolitan Development. This department is headed by the Metropolitan Development Commission, a nine-member appointive group which succeeded the Metropolitan Plan Commission and also performs the role of the defunct Redevelopment Commission. The department contains four divisions. The Housing Division incorporates the Housing Authority, which is responsible for low-cost housing construction and operation/management while depending on the department for planning and site location expertise. The Division of Economic and Housing Development administers urban renewal projects, assisting persons displaced from their homes to relocate in other quarters, and sharing responsibility for code enforcement programs. The Division of Development Services processes requests for permission to develop real estate based on compliance with zoning, building and other standards, and enforces laws and ordinances which regulate the development, maintenance and use of real estate. The Division of Planning provides all land use planning and zoning for the metropolitan government. Four members of the nine-member, bipartisan Metropolitan Development Commission are appointed by the mayor, three by the City-County Council, and two by the Board of County Commissioners.

The Metropolitan Board of Zoning appeals, which rules on petitions for variances, consists of three divisions having five members each and possessing equal authority. (Petitions for zoning changes are heard by a hearing examiner for the Metropolitan Development Commission or by the commission itself.) Each division has jurisdiction throughout the county except within the territorial limits of Beech Grove, Lawrence, Southport and Speedway, independent communities which are entitled to their own zoning boards. In each of the three Indianapolis divisions, two members are appointed by the mayor, two by the City-County Council, and one by the Metropolitan Development Commission (this member may, but need not, be a member of the commission). The five-member boards in the four communities within the Indianapolis boundaries consist of three members appointed by the City Council (or, in Speedway, the Town Board) and two members appointed by the Metropolitan Development Commission (these two may, but need not, be members of the commission). All zoning boards select their own officers from among their membership.

Parks and Recreation. This department is responsible for coordinating leisure time facilities through maintenance and operation of 167 park areas occupying more than 9,100 acres of land and water. A significant portion of that acreage is at Eagle Creek Park, which serves more than 2.5 million visitors per year.

Public Safety. This department has jurisdiction over the police and fire services, dog pound, civil defense, weights and measures, and Criminal Justice Coordinating Council. The director appoints the police and fire chief. All other policemen and firemen are under civil service, and are the only municipal employees with this status.

Internal Audit. Internal Audit is a monitoring agency that reports directly to the mayor concerning financial and operating procedures.

Public Works. This department is responsible for sanitation (including refuse disposal and sewerage), drainage, flood con-

trol, air and water pollution abatement and maintenance of municipal property and the City Market.

Transportation. This department handles highway and street construction and maintenance, street lighting, street drainage, and traffic engineering and control. (Air transportation is the responsibility of the Indianapolis Airport Authority, a separate body which operates Indianapolis International Airport, four smaller airports — Eagle Creek, Metropolitan, Mount Comfort and Speedway — and a Heliport.

Indianapolis Public Transportation Corporation. This is a separate governmental body created by state law. It operates the Metro Bus System that provides mass transportation throughout Marion County.

Economic Development Commission. The City-County Council has created the Economic Development Commission, a five-member citizen board which may approve bonds for tax exemption status for purpose of economic development or anti-pollution.

Historic Preservation Commission. A Historic Preservation Commission for Indianapolis was created by the legislature in 1975. This nine-member commission, whose members are appointed by the mayor, has the authority to designate certain areas or pieces of property as "historic" to prevent their destruction. The goal of this commission is to preserve those structures or areas having historic value and oversee their restoration or preservation. Among such areas added to the historic scene in Indianapolis are Lockerbie Square (the area around James Whitcomb Riley's home), the Old Northside, Chatham Arch and Fletcher Place.

MUNICIPAL GOVERNMENT THROUGHOUT INDIANA

City Common Council

The Common Council (usually referred to as the City Council) is the legislative body in a city government. Methods of election of members of common councils, and the number of members of councils, vary among cities of the different classes as follows:

CITY	COUNCIL SEATS	REDISTRICTING
1st Class	25 districts, 4 at-large years thereafter	1981 and every 10
2nd Class	6 districts, 3 at-large	Between every 6th and 10th year following last redistricting
3rd Class 10,000 or over	5 districts, 2 at-large	1982 and every 10 years thereafter
3rd Class, under 10,000	5 districts, 2 at-large or 4 districts, 1 at-large	1982 and every 10 years thereafter

Note that in third-class cities there is a choice of having seven-member or five-member councils if the city population is less than 10,000. Also, IC 36-4-6-5(d) and (e) provide for a different method of voting for councils in third class cities if the population is below 5,000.

Elections. Elections of councilmen and other city officials (for four-year terms) are held in odd-numbered years immediately preceding presidential election years. Vacancies between elections are filled by a caucus of the precinct committeemen of the same political party as the person vacating the office. If the vacating member was an independent, the vacancy is filled by vote of the remaining members.

Meetings and Organizations. The council meets at least once each month, and at such other times as its rules may require. Special meetings are held on the call of the mayor. All official meetings of the council are public.

The council is organized in a manner similar to most other legislative bodies. In first-class and second-class cities the council members elect one of their number as president and one as vice president. In cities of the third class it is the duty of the mayor to preside at all meetings of the council. In the mayor's

absence, the council chooses one of its members as president pro tempore.

The city clerk or clerk-treasurer serves as clerk of the council.

Home Rule. The General Assembly in 1971 gave cities a new set of guidelines which govern the areas in which city councils may operate. In 1977 the legislature extended these same guidelines to towns, except for those provisions dealing with division of powers between the city executive and legislative branches. The home rule law was rewritten and strengthened in 1980 and 1981.

The specific powers which were formerly enumerated in the City Act of 1905 (as well as the other general legislation granting specific powers to cities) provided, prior to the 1971-81 enactments, the only basis for exercise of governmental power possessed by cities in Indiana. The home rule laws, in addition to enumerating certain powers, now provide that a city or town

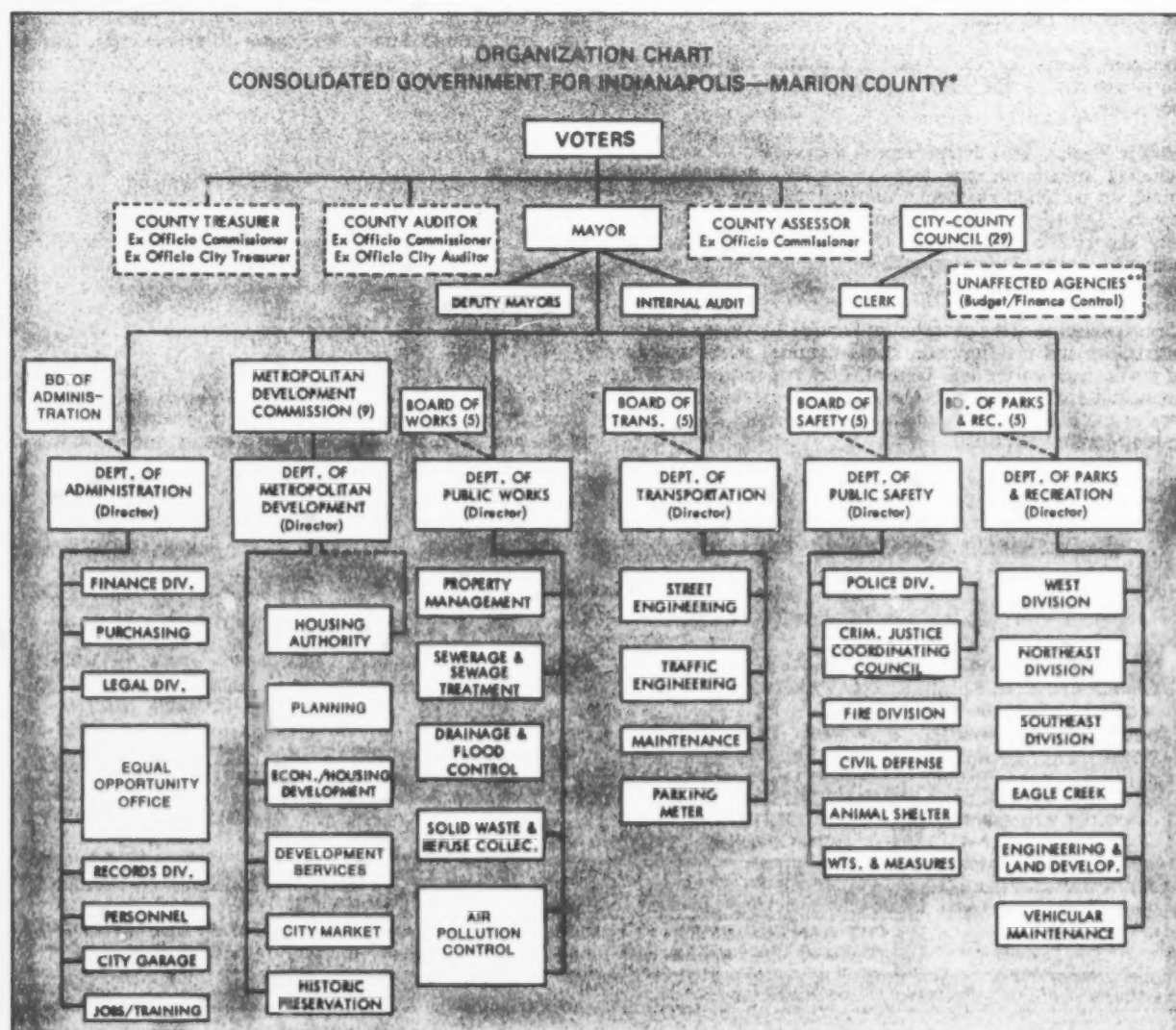


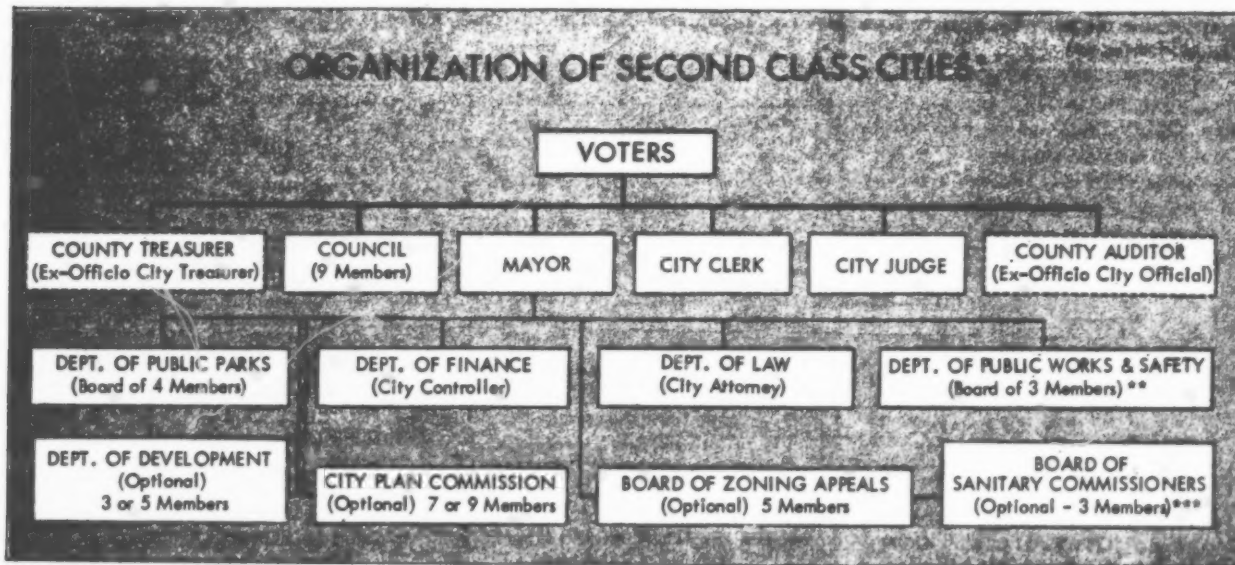
*Chart does not list various county offices, such as sheriff, recorder, surveyor, coroner, clerk of circuit court or prosecuting attorney, which were not affected by consolidated city legislation.

**Council reviews budgets of all municipal operating departments and corporations including otherwise unaffected bodies such as Airport Authority and Health and Hospital Corporation.

may exercise any power necessary or desirable in the conduct of its affairs, even though not granted by statute, as long as the exercise of that power is not prohibited by the Constitution of this state or the Constitution of the United States, and is not specifically denied or vested by law in another governmental entity.

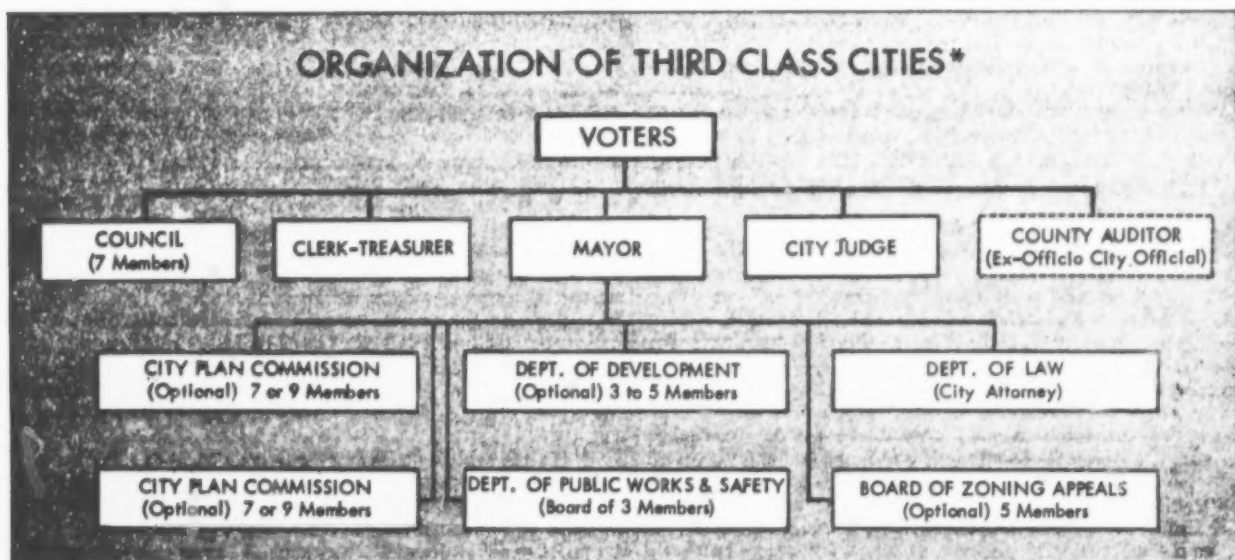
Powers Reserved to State: The home rule revisions leave certain powers still reserved to the state. Cities and towns are denied the power to: (1) condition or limit their civil liability, except as expressly granted by statute; (2) prescribe the law

governing civil actions between private persons; (3) impose duties on another political subdivision, except as expressly granted by statute; (4) impose a tax, except as expressly granted by statute; (5) impose a license or other fee greater than that reasonably related to the administrative cost of exercising a regulatory power; (6) impose a service charge greater than that reasonably related to the cost of the service provided; (7) regulate conduct that is regulated by a state agency, except as expressly granted by statute; (8) prescribe a penalty for conduct constituting a crime or infraction under statute; (9) prescribe a



*Other optional bodies not shown on chart: Public Transit Dept. (5 members), Dept. of Health (board of 5 or 7 members), Dept. of Redevelopment (board of 5 members), Dept. of Aviation (board of 4 members), Housing Authority (5 members).

**The administration of the Department of Public Works and Safety may be placed by the Common Council under two separate boards, a Board of Public Safety and a Board of Public Works, each composed of three members appointed by the mayor.



*Other optional bodies not shown on chart: Dept. of Public Parks (board of 4 members), Public Transit Dept. (5 members), Dept. of Redevelopment (board of 5 members), Dept. of Aviation (board of 4 members), Housing Authority (5 members).

penalty of imprisonment for an ordinance violation; (10) prescribe a penalty of a fine of more than \$2,500; (11) invest money, except as expressly granted by statute.

Construction of Powers Granted. "The powers of cities or towns . . . shall be construed liberally in favor of such municipalities. A specific enumeration, or failure to enumerate, particular powers of cities or towns . . . shall not be construed as limiting in any way their general and residual powers . . . It is the policy of the state to grant to municipalities full power and right to exercise all governmental authority necessary for the effective operation and conduct of government with respect to their municipal and internal affairs. The rule of law that municipalities have only those powers expressly conferred by statute, necessarily implied or dispensable to the declared objects and purposes of the corporation, and that any fair doubt as to the existence of a power shall be resolved against the existence thereof, shall have no application to the powers granted to municipalities herein."

Following are the enumerated powers of the Common Council or Town Board as granted by the General Assembly.

1. Corporate and Procedural Powers. A city or town shall have power to establish and operate a government for the purpose of carrying out its powers and functions. The power to establish, control and operate a government shall include, but not be limited to, the power to:

- (a) Sue and be sued;
- (b) Have a corporate seal;
- (c) Acquire and own interests in real and personal property;
- (d) Use, protect, maintain and dispose of interests in real or personal property owned by the city;
- (e) Enter into contracts with persons, corporations or other governmental entities;
- (f) Pay debts and expenses;
- (g) Borrow money in accordance with applicable law and subject to the limitation of the Constitution;
- (h) Accept donations of money, property, services or other advantages;
- (i) Enact ordinances, declare the violation of an ordinance to be a misdemeanor and establish fines for such violation, not to exceed \$2,500;
- (j) Require the attendance of witnesses and the production of documents germane to matters being considered at meetings of the Common Council, or of any board, department or agency empowered by law or ordinance to hear and determine any matter;
- (k) Punish contempt and disorder in rooms of the Common Council or of any board, department or agency of the city;
- (l) Hire and discharge employees, except where the hiring or discharge is prescribed by the General Assembly;
- (m) Provide a system of pensions and retirements, except where such system is prescribed by the General Assembly, for officers and employees;
- (n) Establish a system of employment with respect to any class of employees under which such employees would have security of employment and would be hired, promoted, demoted, transferred, discharged, compensated and accorded other benefits and advantages on the basis of merit and qualification;
- (o) Enter into contracts and execute documents necessary to receive money, property, services or other advantages from the state government, federal government or from any other source;
- (p) Ratify the action of any city or town or its officers and employees if such action could have been approved in advance of the action.

2. Liability and Indemnity. A city or town shall have power to:

- (a) Compromise claims against the municipality;
- (b) Defend any officer, employee or agent of the city or town relative to damages or liability arising out of actions or failures to act done in good faith in the performance of duty;
- (c) Save any officer, employee or agent of the city or town harmless from any liability or damages if it is determined that the act or failure to act which gave rise to the liability or damages was done in good faith in the performance of duty.

3. Fees and Charges. A city or town shall have power to:

- (a) Charge reasonable fees for licenses;
- (b) Fix or levy a charge or assessment against property benefiting from the furnishing of municipal facilities or services which is equivalent to the expense of furnishing such facilities and services.

4. Special Proceedings. A city or town shall have power to:

- (a) Acquire property or interests therein by eminent domain within the city or within four miles of the corporate limits of the city or town, subject to all applicable ordinances and zoning regulations;
- (b) Enter onto property on which exists a condition which violates an ordinance and take appropriate action to bring that property into compliance with the ordinance, provided, however, that such action shall not be taken until after all persons, corporations or governmental entities who hold a substantial interest in the property shall be given a reasonable opportunity to bring the property into compliance with the ordinance. If action is taken by the city or town, the expense of bringing the property into compliance with the ordinance may be made a lien against the property;
- (c) Initiate a civil action to restrain any person, corporation or governmental entity from violating an ordinance regulating or prohibiting any condition or use of property, or from engaging in an activity without a license if a license is required for such activity by ordinance.

5. Noxious, Dangerous or Criminal Activity. A city or town shall have the power to take action and exercise controls to preserve peace and good order and secure freedom from dangerous and noxious undertakings or activities which shall include, but not be limited to, the power to:

- (a) Regulate, license and prohibit public gatherings such as shows, demonstrations, fairs, conventions, sporting events and exhibitions;
- (b) Quiet and disperse disorderly assemblages;
- (c) Regulate, license and prohibit any act which endangers the public health, safety, or welfare or causes injury to property;
- (d) Regulate, license, and prohibit any use of property in a way which endangers the public health, safety, or welfare or causes injury to property within four miles of its corporate limits, but not beyond the county line of the county in which the city hall or town hall is located;
- (e) Regulate, license and prohibit the custody, possession or ownership of real or personal property which either endangers the public health, safety or welfare or causes injury to property.

6. Health and Sanitation. A city or town shall have power to take action and exercise controls to secure and promote the general public health and welfare which shall include, but not be limited to, the power to:

- (a) Obtain information which is reasonably related to protection of public health and welfare. Persons may be examined and premises may be inspected at any reasonable time for the purpose of obtaining this information, subject to all constitutional limitations;
- (b) Provide medical care for persons;
- (c) Regulate, inspect, license and prohibit the operation of

any business which owns, possesses, produces, processes, stores, transfers, or sells substances which are used for food, drink, confectionery or condiment;

(d) Regulate, license and prohibit the disposal of domestic or sanitary sewage;

(e) Quarantine and impose restrictions upon persons or animals who are likely to cause other persons or animals to contract a disease or otherwise suffer loss of health;

(f) Regulate, license and prohibit the ownership, possession, custody or transfer of any animal;

(g) Capture and destroy animals when such action is reasonably related to the public health, safety, or welfare;

(h) Regulate, license and prohibit the disposition of interment of bodies;

(i) Regulate, inspect, license and prohibit the furnishing of water to the public;

(j) Collect, possess, process and dispose of waste substances, including, but not limited to, garbage, trash and refuse;

(k) Collect, process and dispose of domestic or sanitary sewage.

(l) Execute contracts with not-for-profit corporations for providing health and community services, including visiting nurses' services, not specifically provided by a governmental agency or department.

A city or town may exercise any of the powers granted in clauses (a), (d), (e), (g), (h), (i), (j), or (k) of this section within four miles of its corporate limits, but not beyond the county line of the county in which the city hall or town hall is located.

7. Roads and Traffic. A city or town shall have the power to establish, construct, maintain and control public ways which shall include but not be limited to streets, thoroughfares, walkways, roads, bridges, tunnels, sidewalks and alleys; this shall include, but not be limited to, the power to:

(a) Lay out, construct, repair, clean, light, adorn, change or separate the grade of or otherwise improve streets and other public ways;

(b) Grant rights-of-way through, under or over public ways;

(c) Vacate public ways, subject to the right of public utilities to continue to maintain, operate, supplement and replace existing facilities and structures therein;

(d) Regulate, license and prohibit the use of public ways by persons and animals;

(e) Regulate, license and prohibit the use of public ways by any vehicle, device or machine that transports persons, animals or property.

8. Watercourses. A city or town shall have the power to establish, maintain and control watercourses, which shall include but not be limited to rivers, streams, waterways, ditches, drains and storm sewers; this shall include, but not be limited to, the power to:

(a) Regulate, license and prohibit the introduction of any substance into the water or onto the banks of the watercourse which endangers the public health, safety, or welfare or causes injury to property;

(b) Regulate, license and prohibit any action which changes the condition of hot and cold in the water or affects the flow of the water in such a way as to endanger the public health, safety, or welfare or cause injury to property;

(c) Regulate, license and prohibit the taking of water from the watercourse or allowing or causing water to escape from the watercourse in such a way as to endanger the public health, safety, or welfare or cause injury to property;

(d) Regulate, license, and prohibit any recreational or business use of the watercourse, including but not limited to boat-

ing, skating, swimming, fishing, ferriage, commercial shipping and operation of wharves;

(e) Purify the water in watercourses;

(f) Dam, widen, straighten, dredge, change the channel of or remove an obstruction in any watercourse;

(g) Establish wharves on the watercourse;

(h) Vacate or create a new watercourse.

A city or town may exercise any of its power in clauses (a), (b), (c), (e) or (f) of this section within 10 miles of its corporate limits, but not beyond the county line of the county in which the city hall or town hall is located.

9. Planning, Zoning and Construction of Building. A city or town shall have power to take actions and exercise control relating to the improvement, maintenance and use of real property; this shall include, but not be limited to, the power to:

(a) Inspect any structure or other improvement at a reasonable time;

(b) Plan for future land use;

(c) Regulate platting and subdividing of real property;

(d) Regulate, license and prohibit the location and physical characteristics of structures and other improvements on real property;

(e) Regulate, license, and prohibit the purpose for which real property may be used;

(f) Regulate the condition and maintenance of structures and other improvements;

(g) Regulate and license the method of repair, alteration, location and construction of structures and other improvements;

(h) Regulate, license and prohibit the use of materials in repair, alteration, location or construction of structures and other improvements;

(i) Number structures abutting streets and public ways;

(j) Repair, alter or destroy structures and other improvements when such action is reasonably related to the public health, safety, or welfare;

(k) Require the execution of a bond by a person or corporation who is repairing, altering, locating or constructing a structure or other improvement under circumstances such that there is a reasonable possibility of danger to the person or property of others.

10. Subterranean Power. A city or town shall have power to exercise control relating to the improvement, maintenance, and use of real property below ground level; this shall include, but not be limited to, the power to:

(a) Regulate, license and prohibit any movement or removal of earth in such a manner as to leave a space devoid of earth below the surrounding ground level, including but not limited to excavating, drilling, mining, burrowing and tunneling;

(b) Regulate, license and prohibit the introduction of any substance into any subterranean stream or body of water in such a manner as to endanger the public health, safety or welfare or cause injury to property.

11. Air. A city or town shall have power to exercise control relating to the use of air; this shall include but not be limited to, the power to:

(a) Regulate, license and prohibit the introduction of any substance or odor into the air which endangers the public health, safety or welfare or causes injury to property;

(b) Regulate, license and prohibit any generation of sound which endangers the public health, safety, or welfare or causes injury to property.

12. Crafts and Business. A city or town shall have power to:

(a) Regulate, inspect, license and prohibit crafts, businesses,

professions and occupations which may affect the public health or safety or cause injury to property;

(b) Regulate, inspect, license, and prohibit services, advantages and property furnished directly to the homes of the general public which shall include but not be limited to electricity, gas, water, oil, telephone communication, sewage disposal, trash pick-up and television signals, excluding, however, such persons, firms, or corporations as are subject to regulation by the Utility Regulatory Commission or any other agency of the state or federal government given regulatory powers over such activity;

(c) Regulate, inspect, license, prohibit and fix the price to be charged by persons, firms or corporations who hold for public hire the use of vehicles, machines, or devices that transport persons, animals or property; excluding, however, such persons, firms or corporations as are subject to regulation by the Utility Regulatory Commission or any other agency of the state or federal government given regulatory powers over such activity;

(d) Regulate, inspect, license, prohibit and fix the price to be charged by persons, firms or corporations who hold out for public hire the service of collecting, possessing, and disposing of waste substances, including but not limited to garbage, trash and refuse;

(e) Regulate, inspect, license and prohibit door-to-door solicitation by salesmen, peddlers, or other persons offering goods or services to the public or solicitation for any charitable cause or purpose.

13. Public Facilities. A city or town shall have power to establish, construct, maintain, control and operate public and municipal facilities, within four miles of its corporate limits, subject to all applicable ordinances and zoning regulations. Such public and municipal facilities shall include but not be limited to:

- (a) Public parks and recreation areas;
- (b) Sewers and sewage disposal systems;
- (c) Comfort stations;
- (d) Libraries;
- (e) Stadiums;
- (f) Civic centers, convention centers and auditoriums;
- (g) Museums;
- (h) Structures to house city offices and city property;
- (i) Transportation systems;
- (j) Waterworks;
- (k) Systems to collect and dispose of waste substances;
- (l) Wharves;
- (m) Airports, bus and railroad terminals;
- (n) Hospitals;
- (o) Dog pounds.

Provided, however, no transportation service shall be instituted which would compete with an existing motor carrier providing transportation service within a city or town or within four miles of its corporate limits, operating under the jurisdiction of the Utility Regulatory Commission, unless such municipality shall first apply for and obtain a certificate of public convenience and necessity from the Utility Regulatory Commission, as required under the provisions of the Motor Carrier Act of 1935, as amended.

14. Public Safety. A city or town shall have power to establish, maintain and operate:

- (a) A police and law enforcement system to preserve public peace and good order;
- (b) A fire-fighting and prevention system;
- (c) Facilities and equipment for police and fire systems;
- (d) A weights and measures standards control system.

15. Additional Powers. A city or town additionally shall have the power to:

- Appropriate funds to provide membership in state and national associations of civic, educational or governmental nature and expenses of delegates to meetings and activities of such associations.
- Erect, purchase or lease water works, gas works, electric light works, heating, steam and power plants for the purpose of providing such services to the public.
- Enact zoning regulations, building codes, etc.
- Establish a municipal plan commission and a board of zoning appeals.
- Establish and operate municipal parking facilities.
- Levy additional taxes to pay necessary expenses of sewage disposal plants and flood prevention projects.
- Appoint two members to the board of a city or town library and one member to the board of a city-township library.
- Levy taxes for the purchase, construction and maintenance of playgrounds and recreational centers and establish a Board of Recreation to administer such programs.
- Acquire and operate airports and landing fields. Issue revenue bonds for airport construction or improvement.
- Construct stadiums. Purchase real estate for use as an auditorium and issue bonds to pay for such property.
- (Indianapolis only) Levy a tax for the purpose of defraying the annual expenses of the Indianapolis Symphony Orchestra.
- Lease city-owned hospitals to duly incorporated hospital associations within the community.
- Create and provide for cumulative building or sinking funds to provide funds for the purchase, construction, maintenance or equipment of buildings for municipal purposes, for the building and repair of bridges, for the construction and maintenance of streets, for acquisition of equipment for a public transit system, and the construction of storm sewers to provide an adequate storm-water sewer system and for flood control purposes.
- (Indianapolis only) Levy a tax for a thoroughfare improvement program.
- Provide for the continuance of public transportation services if such services are endangered for economic reasons. (Second and third class cities only.)
- Fix the annual salaries of all elected municipal officials.
- (First and second class cities) Levy a tax for park purposes of not less than 6 cents of each \$100 of taxable property in the city.
- (Second and third class cities) Provide funds for operation of a park and for capital expenditures for park purposes and to establish a Department of Parks and Recreation.
- Set up and maintain an adequate system of books and records as prescribed by the State Board of Accounts for the municipal street department and prepare an annual report of that department's operations, to contain a proposed one-year street improvement program, filing such report with the State Board of Accounts and the Transportation Coordinating Board.
- Provide, by ordinance, for indemnification of police officers and for indemnity insurance coverage to protect such officers from civil liability for damages to persons who charge them with negligence. (Covers policemen only while on duty.)
- Make annual appropriations for maintenance and employment of bands and orchestras to furnish music in municipal parks or other public places.
- Make annual appropriations for celebration of national holidays in municipal parks or other public places.
- Codify the municipal ordinances in an ordinance book or pamphlet for the purpose of having a complete simplified code.
- (Second and third class cities) Acquire, by issuing bonds, and own and operate public transit systems.

- Appropriate funds to pay the expenses of or reimburse municipal officials for expenses incurred in interviewing job applicants, in promoting industrial development and any other expenses of a civic nature.
- Provide a cumulative building and equipment fund for the erection of fire stations and for the purchase of fire fighting and police radio equipment or arrange to make the required payments under a conditional lease rental with option to purchase agreements.
- Provide appropriations and/or issue revenue bonds for the acquisition, establishment, operation and maintenance of refuse collection and disposal facilities and service. At its discretion, by ordinance, place under the supervision and control of a sanitary board the establishment and operation of such facilities and services otherwise assigned to the Board of Public Works or the body authorized to perform the duties of a Board of Public Works where there is no such board.
- Create, by ordinance, a General Improvement Fund to be used to pay for the construction, repair or improvement of streets, alleys, sidewalks, curbs, gutters and sewers, after appropriate notice to the taxpayers affected.
- Enter into cooperative agreement with towns, townships and/or other cities for the purpose of providing ambulance, rescue and first aid service, and levy taxes to pay for such service.
- Be responsible for the control and management of all cemeteries belonging to the municipality and located within five miles thereof. (By ordinance, this responsibility may be transferred to the Board of Public Works or the Board of Public Works and Safety, to a board of trustees appointed from the lot owners of the cemetery who are residents of the county in which it is located, or to a four-member bipartisan Board of Cemetery Regents appointed by the mayor.)
- Upon petition of 10 percent of the freeholders and taxpayers of the city, levy a tax for needed care of any cemetery within one-half mile of the corporate limits of the city, provided at least 25 percent of the burial lots in such cemetery are owned and maintained by freeholders in the city.
- Provide, by ordinance, for the disposal of abandoned or junk vehicles which are discarded or otherwise permitted to remain in any place where they are visible from a public place or right of way, designating the department to be charged with responsibility of such disposal. To carry out the required disposal, and to appropriate sufficient tax monies, a "junk vehicle fund" is established.
- Enact an ordinance to control, regulate or prohibit the presence in the air of contaminants of any sort and to compel compliance with such standards and restrictions as it may impose with respect to air pollution. For this purpose, the jurisdiction of the city extends up to 10 miles from the corporate limits.
- Hire or contract with, on a full-time or part-time basis, one or more attorneys and/or legal assistants.
- Enter into agreement with the board of county commissioners to authorize that body to undertake highway maintenance, construction or any related services and functions on behalf of the municipality.
- Establish an airport authority district under the same authority granted to boards of county commissioners. (See "Airport Authority District" under section on County Government.)
- Create, upon request from the governing board of any private, not-for-profit hospital located in the city, a hospital authority to give to the hospital needed construction or financing assistance. (See "Private Hospital Authority" in County Government section.)

CITY OFFICIALS

Mayor

The mayor, elected by popular vote for a term of four years, is the chief administrative officer of the city, and serves as chairman of the Common Council in cities of the third class.

Duties. It is the duty of the mayor to:

1. Execute and supervise enforcement of the ordinances of the city and the laws of the state.
2. Communicate to the council at least once a year a statement of finances and general condition of the city, and other information related to city affairs.
3. Make such recommendations in writing, by message to the council, as may be deemed expedient; also to call special meetings of the council when the same shall be expedient.
4. Perform such duties of an executive or administrative character as may be prescribed by law, exercise general supervision over subordinate officers and be responsible for the efficiency of city government.
5. Appoint the heads and employees of various departments of city government, and make other appointments as may be provided by law or by the ordinances of any city. The mayor may, at any time, suspend or remove from office any or all of such heads of departments or other persons.
6. Sign all bonds, deeds and written contracts of the corporation, and all licenses issued pursuant to law by any department.
7. Approve or disapprove, within 10 days in writing, ordinances passed by the Common Council. The mayor may veto items of an appropriation or levy measure. Such veto can be overridden by a two-thirds vote of the council.
8. Call monthly meetings of city department heads. The officials are empowered to adopt rules and regulations for the conduct of affairs of individual departments.
9. Appoint three persons to check and examine the accounts of each department without notice.
10. Fix the salaries of all appointive officers, employees, deputies, assistants and of departmental and institutional heads, excepting members of the city police and fire departments subject to approval of the City Council.
11. Issue proclamations commemorating special events, weeks, days, etc.

The salary of the mayor is fixed by the City Council. In addition to the regular salary, the mayor also may receive compensation from municipally owned utilities for his services in connection with their operation. The amount of such additional compensation is determined by the administrative authority of the utility subject to the approval of the City Council and the mayor.

In case of a vacancy in the office of the mayor, the unexpired term shall be filled by election held by precinct committeemen of the same party as the departing mayor. The General Assembly passed legislation in 1983 providing a procedure to replace a mayor found to be unable to carry out his duties.

Deputy Mayor. By 1981 legislation authority was given the Common Council of a city to create by ordinance the position of deputy mayor to be appointed by the mayor and serve at the pleasure of the mayor. The ordinance is to set forth the specific powers of the deputy mayor, which powers shall not exceed those of the mayor.

City Clerk

Every city must have a city clerk or clerk-treasurer elected (except Indianapolis) by popular vote for a four-year term. In Indianapolis the city clerk is appointed for a one-year term and serves at the pleasure of the City-County Council. In third-class cities, the office of the clerk is included in that of the clerk-treasurer.

Duties. The clerk's duties consist of:

1. Keeping a record of the council's proceedings.
2. Preparing an ordinance book and compilation of ordinances.
3. Retaining charge of city documents and books.
4. Retaining the city seal.
5. Licensing and collecting a license fee from any person desiring to conduct a sale of merchandise as an insurance salvage, removal, closing out, liquidation or creditors' sale, except in those cities where this duty is assigned to the city controller. The clerk must secure an inventory of the merchandise to be offered for sale.

In cities of the second class, the clerk serves as clerk of the city court, in which capacity the clerk is empowered to administer oaths, issue processes, and affix the seal of the court to documents of such court.

In cities of the third class the clerk-treasurer is authorized to appoint such number of full-time and part-time employees as may be approved by the Common Council and to fix their salaries within the limits of appropriations made for such purpose.

In all counties the city clerk or clerk-treasurer may solemnize marriages.

DEPARTMENTS OF CITY GOVERNMENT

The powers and duties vested in city councils, boards of trustees and mayors are delegated to various departments through an ordinance of the council or board of trustees. IC 36-4-9-4 requires the city council to establish the executive departments of the city by an ordinance recommended by the mayor. Departments may be terminated, or their functions transferred among departments, upon recommendation of the mayor. Any type of department that is considered necessary may be established. The head of each department established by ordinance is appointed by and serves under the mayor.

City departments which exist because of a state statute are to be headed by a person appointed by the mayor and approved by the statutorily established board or commission for that department. This includes park directors where there is an independent park department, heads of plan commissions, economic development commissions, redevelopment commissions, utility service boards, aviation commissions, boards of flood control commissioners, boards of waterworks trustees, and boards of sanitary commissioners. (Note: The mayor's power here is to appoint the head of the department, and does not affect the applicable statutory provisions concerning the appointment and tenure of the members of the board or commission. See IC 36-4-9-2.)

To be clearly in compliance with the statute, these boards and commissions must be designated as departments by an ordinance.

Residency of Department Heads. IC 36-4-9-2(b) repeals residency requirements for all department heads, but requires

that all members of the board of works and safety, board of public works, and board of public safety must have been a city voter for one year preceding their appointment.

Department of Finance

The Department of Finance is under the direction of the city controller in second-class cities. In third-class cities the responsibility for the fiscal affairs of the city is placed in the office of the clerk-treasurer. In Indianapolis, a division of finance is included in the Department of Administration.

The controller is appointed by the mayor and the salary is fixed by the mayor, subject to the approval of the City Council.

The power and duties of the city controller are to:

1. Provide the form of reports to be rendered his department and inspect and revise accounts of all other departments and trusts.
 2. Audit the accounts of other departments.
 3. Maintain separate accounts for each specific item of appropriation made by the council.
 4. Retain charge of all books of the Finance Department.
 5. Inspect and pay, or refuse to pay under certain conditions, all warrants presented to the controller.
 6. Negotiate the sale of city securities.
 7. Manage and direct the finances and accounts of the city.
 8. Issue all city licenses.
 9. Pay weekly to the treasurer all fees collected by the controller's office.
 10. Prescribe payroll and account forms for the city departments.
 11. Furnish the treasurer with statements of all appropriations made by the council.
 12. Examine tax duplicates retained by the county auditor or county treasurer for proper form insofar as city taxes are concerned.
 13. Examine the treasurer's accounts and effect an annual settlement with the treasurer.
 14. Draw orders on the treasurer for miscellaneous city expenditures.
- The controller in cities of the first class may appoint a deputy controller.

Department of Law

The head of the Department of Law is the city attorney appointed by the mayor. The attorney's compensation is fixed by the mayor, subject to the approval of the Common Council.

The city attorney or corporation counsel in cities of the first class is assigned the following duties and powers:

1. Managing the city's law business and the legal affairs of each department within the city government.
2. Prosecuting violations of city ordinances.
3. Serving as legal adviser to all city departments.
4. Preparing cases, ordinances, contracts and other legal papers for all departments.
5. Handling of city litigation.
6. Making title searches and examining abstracts as necessary to open or improve streets or other public property.
7. Employing of assistants within ordinance limits.
8. Instituting of all proceedings necessary to protect the rights of the city or the public.

Officers, departments, boards, commissions, and other agen-

cies of the city may not employ attorneys without the authorization of the head of the department of law. (IC 36-4-9-12)

Department of Public Works and Safety

Two of the major functions of civil city governments are to provide police and fire protection, and to construct and maintain streets, sidewalks, sewers and sanitary facilities. These important functions are classified under broad terms of Public Safety and Public Works. In some cities these functions are supervised by a single agency of city government, while in others they are supervised by separate agencies and boards.

In Indianapolis, the Department of Public Works of the consolidated city-county government assumed most of the functions of the former Board of Public Works, as well as the functions of the Board of Sanitary Commissioners and other specified related agencies. Powers of the Board of Public Safety were assumed by the Department of Public Safety in the reorganized government.

Second-class cities may, by action of the Common Council, establish separate boards, a Board of Public Works and a Board of Public Safety, or they may utilize a combined Board of Public Works and Safety. Cities of the second class also may establish a Board of Sanitary Commissioners by ordinance. Cities of the third class are required to utilize a combined Board of Public Works and Safety structure.

IC 36-4-9-6 & 8 provides that in second-class cities the board of public works and safety consists of three people appointed by the mayor, and in third-class cities it consists of the mayor and two persons appointed by the mayor. The appointed members may also hold other appointive positions in city government.

Public Works. The agencies responsible for the public works functions of the cities are vested (with certain exceptions as to functions assigned to the Board of Sanitary Commissioners on an optional basis in second class cities) with duties and powers to:

1. Condemn, rent or purchase any real property needed for public use.
2. Have charge of all real property of the city.
3. Design, order and contract for repair and maintenance of city property.
4. Approve the platting of streets and alleys within the city and for four miles beyond, in cases of cities of the first and second classes.
5. Lay out, open, change, or vacate any street, alley or public place within the city.
6. Repair, clean, light or sprinkle any street, alley or public place within the city.
7. Lay out and construct drains and sewers within the city and to a distance of four miles outside the city, and set and charge rates for sewer service on a utility basis.
8. Purchase within or without the city, and construct and operate, water works, gas works, electric light works, telephone systems, sewage treatment works and heating and power plants for the purpose of supplying the inhabitants of the city with such services, or to own a majority of the stock in such private companies as provide these services. (See Common Council duties.)
9. Contract with private companies for the furnishing of the above services.
10. Lay out and construct culverts and bridges.
11. Authorize use of the streets by utility companies.
12. License the excavation of coal, rock, gravel or other material beneath streets and public places.

13. Remove structures from streets.
14. Erect levees and straighten watercourses within the city and to four miles outside.
15. Provide for garbage disposal.
16. Maintain a map of all public utility lines, pipes and conduits, and of all street, alley and sidewalk grades.
17. Drain or fill stagnant water pools within the city and to four miles outside.
18. Construct fountains in public places.
19. (In cities situated upon or adjoining harbors and watercourses, including Lake Michigan) Maintain and improve harbors, seawalls, docks and channels and make shoreline improvements.
20. Supervise and control (unless, by ordinance of the Common Council, this responsibility is assigned to the sanitary board) facilities for collection and disposal of refuse and the collection of revenue for the use of such facilities and services, the method of disposal to be subject to approval by the State Board of Health.
21. Supervise the establishment by property owners of improvement districts, provide for hearings, appeals and remonstrances concerning any proposed improvement projects, let contracts for completion of approved projects, determine the project costs, authorize issuance of bonds to finance construction, levy property assessments to recover costs, and determine what rates or charges, if any, shall be established for use of the improvements.

Public Safety. The public safety functions include the care, management, supervision and control of all matters and property relating to the fire and police forces, the fire alarm system, telegraph, fire escapes, inspection of buildings, boilers, market places, prisons and pounds. The members of the board in charge have the power to employ and discharge members, officers** and employees of the police and fire forces (subject to certain merit system regulations) and such other employees as are necessary to carry on the functions assigned to them.

In certain towns metropolitan police boards operate and have charge of police departments. Also, cities and towns which have full-time, paid police or fire departments may adopt a model Public Safety Merit System pursuant to Public Law 316, Acts 1981 (IC 36-8-3.5).

City Plan Commission

City Plan Commission. Enactment in 1947 of the Advisory Planning Law has given municipalities and counties authority to plan and pass development controls. Indianapolis-Marion County government operates its planning and zoning functions under the Metro Planning Law, passed in 1955. The Area Planning Law, passed in 1957, provides for establishment of joint municipality-county planning and zoning departments, each to cover the entire county in which it is located.

Creation of a plan commission to carry out planning and zoning functions is a local option. Once a community decides to establish jurisdiction over such matters, its officials must follow the statutory procedures specified for the type of plan commission they wish to form.

Under the Advisory Law the Common Council may authorize the appointment of a City Plan Commission. These commissions consist of either seven or nine members serving without com-

**With the exception of the chief of the police department and the chief of the fire department, both of whom the mayor appoints.

pensation. A commission in cities having a Park Board, a Public Works Board and a city engineer is composed of the engineer, a park commissioner, a member of the Board of Works, a council member and five citizens appointed by the mayor. In cities without such boards, the commission consists of three city officials appointed by the council and four citizens appointed by the mayor. If the commission exercises jurisdiction outside the city, two additional members are appointed from that area by the county commissioners. If the city is in a county which has a County Plan Commission, a designated representative of the county commission serves as an advisory (nonvoting) member of the city commission.

Plan commissions have the power to establish rules and regulations, appoint a secretary and hire professional consultants to produce surveys, studies, maps, plans, charts, ordinances and necessary data. Provision is made for a township to join, for planning and zoning purposes, a city which has an established plan commission and has adopted zoning ordinances.

A city that takes part in a county-wide planning commission under the Area Law has representation varying with its population. (See chapter on county government.)

Board of Zoning Appeals. In cities (except Indianapolis) where a zoning ordinance has been enacted, there is a five-member Board of Zoning Appeals. The mayor appoints three, of whom one must be a member of the City Plan Commission. The City Plan Commission appoints one member of the commission to the board. The fifth board member is appointed by the City Council. All members of the Board of Zoning Appeals must be residents of the city, and none may hold local elective or appointive office except for City Plan Commission membership. If the City Plan Commission exercises jurisdiction outside the city limits, the person it appoints to the board must reside in the unincorporated area. An alternative to this procedure is to create an additional division of the board composed of citizens who reside in the unincorporated area.

The function of the Board of Zoning Appeals is to hear and determine appeals for exceptions, special uses, contingent uses and conditional uses from the terms of the zoning ordinance. Boards of Zoning Appeal operating under the Advisory or Metro laws also may grant variances from a use district or classification under the zoning ordinance.

Special Planning Authorization. By special legislation, authorization has been given for Delaware County and the city of Muncie, for Vanderburgh County and the city of Evansville and for Vigo County and the city of Terre Haute to establish Metropolitan Plan Commissions by means of identical ordinances adopted by action of the county commissioners and of the city council in each case. Such Metropolitan Plan Commission constitutes a unit of county government with county-wide jurisdiction. The membership consists of a county commissioner, a city councilman and seven citizen members, three from the unincorporated area of the county, including one actively engaged in agriculture, and four from the incorporated area, including a member of the metropolitan school authority. The county surveyor, the county extension agent in agriculture and the city engineer are ex officio members without voting power.

(See preceding article on Indianapolis for planning authorizations under Unigov. See chapter on county government for information on county, area, metropolitan and regional planning.)

Department of Assessment and Collection

The city treasurer formerly was head of the City Department

of Assessment and Collection. Actually, however, the duties originally assigned to the city treasurer are performed ex officio by other officials and the office of city treasurer has been abolished. In Indianapolis the county treasurer serves ex officio as city treasurer. In all other cities the clerk-treasurer performs the duties assigned by law to the office of city treasurer. In all cities the county treasurer is mandated to collect civil and school city taxes and make settlement for such taxes.

Public Transit Department

The Common Council of any city of the second or third class may, by ordinance, create a Public Transit Department to acquire, operate and manage the public transportation system. The department consists of five persons appointed by the mayor, no more than three of whom may be of the same political party. Initial appointments are for staggered terms with subsequent appointments to be for four years.

The Common Council is authorized to appropriate annually from the general fund of the city an amount sufficient to pay all costs and expenses incidental to the operation of such system. All proceeds from the operation of the system go to the city controller and are placed in the public transit revolving fund.

Department of Health

Only second-class cities are authorized to operate city health departments. An exception is Terre Haute, which by law must participate in a county health department.

Five second-class cities — Elkhart, Evansville, Kokomo, New Albany and South Bend — are part of the city-county or county health departments. Eight second-class cities operate their own health departments.

Special legislation has given West Lafayette, a third-class city, authority to operate its own city health department.

Other cities no longer can operate city health departments. Such public health functions are assigned to county health departments.

Depending on the laws under which they were established, city departments of health are administered by either five-member or seven-member boards of health. In either case, appointments are made by the mayor for four-year staggered terms. Some members of each type of board must be physicians or veterinarians.

The board of health appoints the health officer, who must be a physician. The health officer appoints the staff of the department subject to board approval. The department's budget is subject to final approval by the city council, which appropriates funds necessary for operation of the health department.

The board has jurisdiction within the city boundaries. The health officer enforces state laws, State Board of Health rules and regulations and local ordinances. The health officer maintains records related to health matters, makes inspections to determine compliance with health laws and regulations and makes investigations related to outbreaks of contagious diseases.

Cities with their own health departments can abandon them to become integrated with a county health department by joint resolution of the city councils and county commissioners.

Public health functions and hospital services in Indianapolis and Marion County are administered by the Health and Hospital Corporation of Marion County.

Department of Economic Development

If the Common Council of a city finds need for financing economic development or pollution control facilities, it may create a Department of Economic Development under the control of an Economic Development Commission. Members of the commission number three unless the council determines to increase the number to five. The commissioners are appointed by the mayor to staggered terms which, after the initial appointments, shall be for four years.

It is the duty of the commission to recommend action to improve or promote job opportunities, industrial diversification and availability of pollution control facilities based on need as determined by investigation and study. Specific powers granted include the power to enter into lease arrangements with prospective industries, to acquire land and construct or remodel buildings for such lessees, and to issue bonds and secure payment of them under specified provisions. The commission is required to submit a report annually to the Indiana Department of Commerce.

Department of Redevelopment

The Common Council of a city is authorized to create a Department of Redevelopment to promote and encourage the proper use of land within the city so as to best serve the interests of the city and its inhabitants and to improve blighted areas.

The department is controlled by a board of commissioners composed of five members selected by a board of trustees, also of five members. The board of trustees is appointed by the mayor. Three of the trustees are selected by the mayor and two are nominated by the city council. The commissioners are authorized to employ necessary personnel and to expend funds raised for the department.

Bonds may be issued by the redevelopment commission, subject to approval of the mayor, to raise funds to carry out its program, and the commission also may levy property taxes to retire such bonds. The commission is authorized to accept and expend federal funds. In addition, where redevelopment activities bring in new property tax revenues, such funds may be used to reimburse cities or towns for public improvements made in that area or to pay lease obligations for buildings or off-street parking facilities.

In Indianapolis, under the consolidated plan for city and county government, the functions previously performed by the redevelopment commission became responsibilities of the Metropolitan Development Commission.

Housing Authority

A city Common Council may elect to establish, by resolution, a Housing Authority. Following the passage of such a resolution, the mayor of a city may appoint five persons to serve four-year terms as commissioners of the authority. The commissioners are entitled to receive \$25 per meeting to a maximum of \$50 per month.

(See the section entitled "County Government" for specific purposes and responsibilities of a housing authority.)

The authority's area of operation includes the city and the area within five miles of the territorial boundaries of the city, provided that it does not include any area which lies within the territorial boundaries of the authority of any other city or town. The area of operation may also include any other city or town if its governing body consents to such by resolution.

Municipal Public Utilities

Municipally owned utilities may be operated by a Board of Public Works (or a Board of Public Works and Safety), a Waterworks Board, a committee of city council members or by a Utility Service Board. A Utility Service Board, composed of from three to seven members, may be created through the process of filing a petition by voters, the holding of a referendum and establishment by the Common Council if the outcome of the referendum is favorable. A majority of the members of the Utility Service Board are appointed by the mayor and the remaining members are named by the Common Council.

Department of Public Parks

Parks and other public recreation facilities are under supervision of the Department of Public Parks. The department is directed by a bipartisan board of four members appointed by the mayor unless the boundaries of the park district are extended to include the total area of the county. With such an extension, the bipartisan Board of Park Commissioners which governs the park district consists of five members, three of whom are appointed by the mayor and two by the County Council. By resolution of the Board of Park Commissioners, any second-class city may extend the territory of its park district to cover the area of the county in which it is located.

In Indianapolis, the Parks and Recreation Department of the consolidated city assumed the powers of the former Park Department.

In third-class cities the Common Council may, by ordinance, establish a Department of Public Parks. Such department would be administered by a bipartisan, four-member board of park commissioners appointed by the mayor. The commissioners serve without compensation, except their actual expenses.

Meridian Street Preservation Commission

The 1971 legislature provided for the creation of a Meridian Street Preservation Commission to encourage private efforts to maintain and preserve a specified portion of Meridian Street in Indianapolis (north of 40th Street and south of Westfield Boulevard) and other such streets and areas in Indiana considered to be historically and architecturally significant.

The commission now consists of nine members. In Indianapolis the mayor appoints a Marion County architect and a city planner employed by the Department of Metropolitan Development. The governor appoints the other seven, including a civil engineer for the Administration Building Council, a resident of the affected area and members recommended by neighborhood associations and the Indiana Historical Society.

Any municipal area in Indiana subject to a master plan for land use would be eligible to be named a "preservation area" by ordinance or resolution of the appropriate city council or town board of trustees. The preservation commission would consider petitions for such areas, have right of approval for any zoning variance, have power of prohibition on construction, and provide for a private party's right of legal action.

Historic District Board of Review. Any city, town or county (outside Marion County) that did not establish a Historic Preservation Commission prior to July 1, 1977, is authorized to create by ordinance a Historic District Board of Review. This body consists of from three to nine members serving three-year staggered terms without compensation, except for expenses.

CLASSIFICATION OF INDIANA CITIES

City	County	Population	City	County	Population	City	County	Population
Consolidated City			Brazil* (Clay)		7,852	Loogootee (Martin)		3,100
Indianapolis**		765,233	Butler (DeKalb)		2,509	Madison* (Jefferson)		12,472
First Class			Cannelton* (Perry)		2,373	Martinsville* (Morgan)		11,311
Indianapolis* (Marion)		765,233	Carmel*** (Hamilton)		18,272	Mitchell (Lawrence)		4,641
Second Class			Charlestown (Clark)		5,596	Monticello* (White)		5,162
Anderson* (Madison)		64,695	Clinton (Vermillion)		5,267	Montpelier (Blackford)		1,995
Bloomington* (Monroe)		51,646	Columbia City* (Whitley)		5,091	Mt. Vernon* (Posey)		7,656
East Chicago (Lake)		39,786	Columbus* (Bartholomew)		30,292	Nappanee (Elkhart)		4,694
Elkhart (Elkhart)		41,305	Connersville* (Fayette)		17,023	New Castle* (Henry)		20,056
Evansville* (Vanderburgh)		130,496	Covington* (Fountain)		2,883	New Haven (Allen)		6,714
Fort Wayne* (Allen)		172,196	Crawfordsville* (Montgomery) ..		13,325	Noblesville* (Hamilton)		12,056
Gary (Lake)		151,953	Crown Point* (Lake)		16,455	North Vernon (Jennings)		5,768
Hammond (Lake)		93,714	Decatur* (Adams)		8,649	Oakland City (Gibson)		3,301
Kokomo* (Howard)		47,808	Delphi* (Carroll)		3,042	Peru* (Miami)		13,764
Lafayette* (Tippecanoe)		43,011	Dunkirk (Jay)		3,180	Petersburg* (Pike)		2,987
Marion* (Grant)		35,874	Elwood (Madison)		10,867	Plymouth* (Marshall)		7,693
Michigan City (Porter)		36,850	Frankfort* (Clinton)		15,168	Portage (Porter)		27,409
Mishawaka (St. Joseph)		40,224	Franklin* (Johnson)		11,563	Portland* (Jay)		7,074
Muncie* (Delaware)		77,216	Garrett (DeKalb)		4,874	Princeton* (Gibson)		8,976
New Albany* (Floyd)		37,103	Gas City (Grant)		6,370	Rensselaer* (Jasper)		4,944
Richmond* (Wayne)		41,349	Goshen* (Elkhart)		19,665	Rising Sun* (Ohio)		2,478
South Bend* (St. Joseph)		109,727	Greencastle* (Putnam)		8,403	Rochester* (Fulton)		5,050
Terre Haute* (Vigo)		61,125	Greenfield* (Hancock)		11,439	Rockport* (Spencer)		2,590
Third Class			Greenwood*** (Johnson)		19,372	Rushville* (Rush)		6,113
Alexandria (Madison)		6,028	Greensburg* (Decatur)		9,254	Salem* (Washington)		5,290
Angola* (Steuben)		5,486	Hartford City* (Blackford)		7,622	Scottsburg* (Scott)		5,068
Attica (Fountain)		3,841	Hobart (Lake)		22,987	Seymour (Jackson)		15,050
Auburn* (DeKalb)		8,122	Huntingburg (Dubois)		5,376	Shelbyville* (Shelby)		14,989
Aurora (Dearborn)		3,816	Huntington* (Huntington)		16,202	Southport (Marion)		2,266
Batesville (Ripley)		4,152	Jasonville (Greene)		2,497	Sullivan* (Sullivan)		4,774
Bedford* (Lawrence)		14,410	Jasper* (Dubois)		9,097	Tell City (Perry)		8,704
Beech Grove (Marion)		13,196	Jeffersonville* (Clark)		21,220	Tipton* (Tipton)		5,004
Berne (Adams)		3,300	Kendallville (Noble)		7,299	Union City (Randolph)		3,908
Bicknell (Knox)		4,713	Knox* (Starke)		3,674	Valparaiso* (Porter)		22,247
Bluffton* (Wells)		8,705	Lake Station (Lake)		14,294	Vincennes* (Knox)		20,857
Boonville* (Warrick)		6,300	La Porte* (La Porte)		21,796	Wabash* (Wabash)		12,985
			Lawrence (Marion)		25,591	Warsaw* (Kosciusko)		10,647
			Lawrenceburg* (Dearborn)		4,403	Washington* (Davies)		11,325
			Lebanon* (Boone)		11,456	West Lafayette (Tippecanoe)		21,247
			Ligonier (Noble)		3,134	Whiting (Lake)		5,630
			Linton (Greene)		6,315	Winchester* (Randolph)		5,659
			Logansport* (Cass)		17,899	Woodburn (Allen)		1,002

Source: 1980 Census, Bureau of the Census, U.S. Department of Commerce.

Basis of Classification

- First Class — Population 250,000 or over.
 Second Class — 35,000 or over and less than 250,000.
 Third Class — Less than 35,000.

* Denotes county seat. (See pages 94 - 95 for towns which are county seats.)

** Indianapolis is both a consolidated city (with Marion County) and the state's only city of the first class

*** Special 1984 census results: Carmel-20,189; Greenwood-22,111

The members are appointed by the executive officer of the governing unit (city mayor, county board of commissioners president or town board of trustees president), subject to approval of the unit.

The Historic District Board is to prepare a map describing the boundaries of a historic district or districts and classify all buildings or structures within such district(s) in order to prevent any development, alteration or demolition that will be incongruous with such historic district(s). The map and classifications must be approved by the governing body to become official, after which a permit must be issued by the Historic District Board for any alteration, including new construction, that affects the exterior or appearance within such district(s). Those buildings classified as historic must possess identified historic or architectural merit of a degree warranting their preservation.

Department of Aviation

The Department of Aviation, which directs the operation of airports or landing fields owned by the city, is controlled by a Board of Aviation Commissioners of four members appointed by the mayor. No more than two of the members may be of the same political party. Appointments are for terms of four years on a staggered basis.

Acting under authority granted by ordinances of the City Common Council, the Board of Aviation Commissioners has the power to:

1. Acquire, construct, improve and maintain municipal airports and landing fields and other air navigation facilities. (Acquisition of land for an airport or landing field, or establishment of an airport or landing field, is subject to approval by the state Aeronautics Division.)
2. Employ technical and other assistants and assign their duties.
3. Adopt rules and regulations governing use of the facilities under their control, provided these do not conflict with laws, ordinances or regulations of the city, state or federal government.
4. Lease to other persons all or part of the airport, landing fields or buildings; charge and collect rentals and fees for use of the facilities, and generally manage the airport or landing field as a private business would be managed.
5. Control the erection or maintenance of structures on property surrounding the airport or landing field which might interfere with safe aircraft operation. (Such zoning regulations, according to the law, must be "reasonable." The board may award damages to property owners for property taken or property rights affected. Owners are given the right of appeal to the courts.)
6. Accept federal grants or other money, public or private, for airport construction or operation.

The Common Council may levy a property tax and issue bonds to finance the acquisition and operation of an airport or landing field. The proceeds from the levy are paid into an "aviation fund," into which also go the receipts of the Board of Aviation Commissioners from all other sources. Provision also is made for construction and extension of revenue-producing facilities at airports by financing through earnings of the property to be constructed. The council may transfer sums from the city general funds to the aviation fund and the aviation commissioners in turn are authorized to transfer surplus funds from the aviation fund to the general fund of the municipality.

If two or more counties, cities, towns, or a combination of them, desire to establish and operate airports or other aviation facilities jointly, they may contract among themselves to do so. In these cases, membership on the Joint Board of Aviation

Commissioners may be increased to as many as seven. If one of the participating governmental units desires, the state Aeronautics Division will determine reasonable and equitable rules for the joint operation.

Cities and counties in Indiana may join with cities and counties in neighboring states to form a joint airport authority for the acquisition, maintenance, financing and operation of air terminals.

In Indianapolis the powers and functions formerly vested in a Board of Aviation Commissioners are conferred upon the board of the Airport Authority District. In Vanderburgh County the agency responsible for the maintenance and operation of municipal airport facilities is the Evansville-Vanderburgh Airport Authority.

City Boards of Finance

The mayor and the Common Council in cities other than county seats constitute city boards of finance for their respective municipalities. The city clerk or clerk-treasurer serves as secretary of the board. The board exercises general supervision over all public funds for the municipality.

Special authority is given for the establishment of joint boards by municipal corporations where there is mutual ownership or interest.

City and Town Courts

By authority of P.L. 282, Acts of 1981, cities and towns may establish or abolish city or town courts. During 1981 and during every fourth year thereafter such ordinances may be adopted. An ordinance to establish a city or town court must be adopted not less than one year before the judge's term would begin under IC 33-10.1-3-1. The election of the judge for a court established in 1982 shall be held in November, 1983, and every fourth year thereafter. A city or town court in existence on January 1, 1981 may continue in operation until abolished by ordinance.

TOWN OFFICIALS, DEPARTMENTS

Town elections are held in odd years in which election for county, state and national offices are not held.

The elective officers of every town are one trustee from each ward and a clerk-treasurer for the town at large. The Board of Town Trustees (commonly called the town board) of every town appoints a marshal who serves at the pleasure of the board, excepting those towns which have adopted the Metropolitan Police Commission format.

Party nominations for these offices in towns having a population of more than 3,500 are made at a primary election. In towns having a population of less than 3,500, nominations for town officers are made at town political conventions which must be held before the last Saturday in July in the year in which the town officials are to be elected.

The trustees, clerk and marshal receive such salaries as the town board may direct by ordinance.

Board of Town Trustees

Towns elect trustees from districts (often called wards) and have the option, exercisable by ordinance, to have voters elect trustees for all wards or to elect only a candidate from the voter's own ward. Wards are established by the Board of Town Trustees and may not number more than seven nor less than three. Trustees are elected for four-year terms.

The legislative powers of the town board are identical with those of the Common Council. (See Residual Powers under Municipal Government.) In addition, town boards exercise ad-

ministrative authority in their municipalities.

Vacancies occurring on the board are filled by a caucus of the precinct committeemen of the same party as the person vacating the office. Should the vacating person be an independent, the vacancy is filled by vote of the remaining trustees.

Town Manager

The board of any town may employ a "town manager" and fix the compensation, benefits and terms of employment. The

INCORPORATED TOWNS IN INDIANA

TOWN	COUNTY	TOWN	COUNTY	TOWN	COUNTY	TOWN	COUNTY
Advance	Boone	Castleton**	Marion	Economy	Wayne	Hazleton	Gibson
Akron	Fulton	Cayuga	Vermillion	Edgewood	Madison	Hebron	Porter
Alamo	Montgomery	Cedar Grove	Franklin	Edinburgh	Johnson and	Highland	Lake
Albany	Delaware and	Cedar Lake	Lake		Bartholomew	Hillsboro	Fountain
	Randolph	Center Point	Clay	Edwardsville	Knox	Holland	Dubois
Albion*	Noble			Elberfeld	Warrick		
Alfordville	Daviess	Centerville	Wayne			Holton	Ripley
Alton	Crawford	Chalmers	White	Elizabeth	Harrison	Homecroft**	Marion
Altona	DeKalb	Chandler	Warrick	Elizabethtown	Bartholomew	Hope	Bartholomew
Ambia	Benton	Chesterfield	Madison	Ellettsville	Monroe	Hudson	Steuben
Amboy	Miami	Chesterton	Porter	Elnora	Daviess	Huntertown	Allen
				English*	Crawford		
Amo	Hendricks	Chrisney	Spencer			Hymers	Sullivan
Andrews	Huntington	Churubusco	Whitley	Elna Green	Kosciusko	Indian Village	St. Joseph
Arcadia	Hamilton	Cicero	Hamilton	Fairmount	Grant	Ingalls	Madison
Argos	Marshall	Clarks Hill	Tippecanoe	Fairview Park	Vermillion	Jamestown	Boone and
Ashley	DeKalb and	Clarksburg	Clark	Farmersburg	Sullivan		Hendricks
	Steuben			Farmland	Randolph	Jonesboro	Grant
		Clay City	Clay				
Atlanta	Hamilton	Claypool	Kosciusko	Ferdinand	Dubois	Jonesville	Bartholomew
Austin	Scott	Clayton	Hendricks	Fishers	Hamilton	Judson	Parke
Avilla	Noble	Clear Lake	Steuben	Flora	Carroll	Kempton	Tipton
Bainbridge	Putnam	Clermont**	Marion	Fort Branch	Gibson	Kennard	Henry
Bargersville	Johnson			Fortville	Hancock	Kentland*	Newton
		Clifford	Bartholomew				
Battleground	Tippecanoe	Cloverdale	Putnam	Fountain City	Wayne	Kewanna	Fulton
Bethany	Morgan	Coatesville	Hendricks	Fowler*	Benton	Kingman	Fountain
Beverly Shores	Porter	Colfax	Clinton	Fowlerton	Grant	Kingbury	La Porte
Birdseye	Dubois	Converse	Grant and Miami	Franceville	Pulaski	Kingford Hgts.	La Porte
Bloomfield*	Greene			Francisco	Gibson	Kirklin	Clinton
		Corunna	DeKalb				
Bloomington	Parke	Corydon*	Harrison	Frankton	Madison	Knightstown	Henry
Blountsville	Henry	Country Club	Madison	Fredericksburg	Washington	Knightsville	Clay
Boston	Wayne	Heights		Fremont	Steuben	Kouts	Porter
Boswell	Benton	Crandall	Harrison	French Lick	Orange	Laconia	Harrison
Bourbon	Marshall	Crane	Martin	Fulton	Fulton	LaCrosse	La Porte
Bremen	Marshall	Cromwell	Noble	Galveston	Cass	Ladoga	Montgomery
Bristol	Elkhart	Crothersville	Jackson	Gaston	Delaware	LaFontaine	Wabash
Brook	Newton	Crows Nest**	Marion	Geneva	Adams	LaGrange*	LaGrange
Brooklyn	Morgan	Culver	Marshall	Gentryville	Spencer	Lagro	Wabash
Brooksbury	Jefferson	Cumberland**	Hancock and	Georgetown	Floyd	Lake Hart	Morgan
			Marion				
Brookston	White	Cynthiana	Posey	Glenwood	Rush and Fayette	Lakeville	St. Joseph
Brookville*	Franklin	Daie	Spencer	Goodland	Newton	Lanesville	Harrison
Brownsburg	Hendricks	Daleville	Delaware	Gosport	Owen	LaPaz	Marshall
Brownstown*	Jackson	Dana	Vermillion	Grabill	Allen	Lapel	Madison
Bruceville	Knox	Danville*	Hendricks	Grandview	Spencer	Larwill	Whitley
		Darlington	Montgomery				
Bryant	Jay			Greendale	Dearborn	Laurel	Franklin
Bunker Hill	Miami	Darmstadt	Vanderburgh	Greensboro	Henry	Leavenworth	Crawford
Burket	Kosciusko	Dayton	Tippecanoe	Greens Fork	Wayne	Leesburg	Kosciusko
Burlington	Carroll	Decker	Knox	Greentown	Howard	Lewisville	Henry
Burnettsville	White	DeMotte	Jasper	Greenville	Floyd	Liberty*	Union
		Denver	Miami				
Burns Harbor	Porter			Griffin	Posey	Linden	Montgomery
Cadiz	Henry	Dillsboro	Dearborn	Griffith	Lake	Little York	Washington
Cambridge City	Wayne	Dublin	Wayne	Hagerstown	Wayne	Livonia	Washington
Camden	Carroll	Dugger	Sullivan	Hamilton	DeKalb and	Lizton	Hendricks
Campbellburg	Washington	Dune Acres	Porter		Steuben	Long Beach	La Porte
		Dunreith	Henry	Hamlet	Starke		
Cannelburg	Daviess	Dupont	Jefferson	Hanover	Jefferson	Losantville	Randolph
Carbon	Clay	Dyer	Lake	Hardinburg	Washington	Lowell	Lake
Carefree	Crawford	Earl Park	Benton	Harmony	Clay	Lynhurst**	Marion
Carlisle	Sullivan	East Germantown	Wayne	Hartsville	Bartholomew	Lynn	Randolph
Carthage	Rush	Eaton	Delaware	Haubstadt	Gibson	Lynville	Warrick

*Denotes county seat.

**Denotes a place which elected to retain town status despite being included, for government purposes, in the consolidated city of Indianapolis.

town manager is the administrative head of the town government and is required to devote such time to this work as is specified in the contract of employment. The town manager may be employed to serve at the pleasure of the board or for a definite tenure, not to exceed the term in office of the appointing board.

The town manager is responsible to the town board for the proper administration of all of the affairs of the town which the board has authority to control.

Although the specific communities which employ a town manager vary from year to year, nearly 25 towns have retained the town manager form of government over the past five years.

Town Clerk-Treasurer

The clerk-treasurer of a town has custody of the records, books and papers of the Board of Town Trustees, records the proceedings of the board, has custody of the town seal, issues licenses and is authorized to administer oaths and take depositions. The clerk-treasurer also handles the funds of the town under direction of the board.

The town clerk-treasurer is authorized to appoint such number of full-time and part-time employees as may be approved by the board and to fix their salaries with the limits of ap-

INCORPORATED TOWNS IN INDIANA (CONT'D)

TOWN	COUNTY	TOWN	COUNTY	TOWN	COUNTY	TOWN	COUNTY
Markleville	Madison	New Pekin	Washington	Riley	Vigo	Switz City	Greene
Marshall	Parke	New Point	Decatur	River Forest	Madison	Syracuse	Kosciusko
Matthews	Grant	Newport	Vermillion	Roachdale	Putnam	Tennysen	Warrick
Mauckport	Harrison	New Providence	Clark	Roann	Wabash		
Mecca	Parke	New Richmond	Montgomery	Roanoke	Huntington	Thorntown	Boone
						Topeka	LaGrange
Medaryville	Pulaski	New Ross	Montgomery	Rockville*	Parke	Trafalgar	Johnson
Medora	Jackson	Newtown	Fountain	Rocky Ripple**	Marion	Trail Creek	La Porte
Mellott	Fountain	New Whiteland	Johnson	Rome City	Noble	Troy	Perry
Mentone	Kosciusko	North Crow's	Marion	Rosedale	Parke		
Meridian Hills**	Marion	Nest**		Roseland	St. Joseph	Ulen	Boone
		North Grove	Miami			Uniondale	Wells
Merom	Sullivan	North Judson	Starke	Rossville	Clinton	Universal	Vermillion
Merrillville	Lake	North Liberty	St. Joseph	Royal Center	Cass	Upland	Grant
Michiana Shores	La Porte	North Manchester	Wabash	Russellville	Putnam	Utica	Clark
Michigantown	Clinton	North Salem	Hendricks	Russellville	Howard		
Middlebury	Elkhart	North Webster	Kosciusko	St. Joe	DeKalb	Van Buren	Grant
						Veedersburg	Fountain
Middletown	Henry	Oaktown	Knox	St. John	Lake	Vera Cruz	Wells
Milan	Ripley	Odon	Daviess	St. Leon	Dearborn	Vernon*	Jennings
Millford	Decatur	Ogden Dunes	Porter	St. Paul	Decatur and Shelby	Versailles*	Ripley
Millford	Kosciusko	Oldenburg	Franklin	Salamonia	Jay		
Millersburg	Elkhart	Onward	Cass	Saltillo	Washington	Vevay*	Switzerland
						Wakarusa	Elkhart
Millhouses	Decatur	Oolitic	Lawrence	Sandborn	Knox	Walkerton	St. Joseph
Milltown	Crawford and Harrison	Orestes	Madison	Santa Claus	Spencer	Wallace	Fountain
Milton	Wayne	Orland	Steuben	Saratoga	Randolph	Walton	Cass
Modoc	Randolph	Orleans	Orange	Schererville	Lake		
Monon	White	Oscola	St. Joseph	Schneider	Lake	Wanatah	La Porte
						Warren	Huntington
Monroe	Adams	Osgood	Ripley	Seelyville	Vigo	Warren Park**	Marion
Monroe City	Knox	Ossian	Wells	Sellersburg	Clark	Waterloo	DeKalb
Monroeville	Allen	Otterbein	Benton and Tippecanoe	Selma	Delaware	Waveland	Montgomery
Monterey	Pulaski			Shadeland	Tippecanoe		
Montezuma	Parke	Owensville	Gibson	Shamrock Lakes	Blackford	Waynetown	Montgomery
		Oxford	Benton	Sharpville	Tipton	West Baden	Orange
Montgomery	Daviess			Shelburn	Sullivan	Springs	Union
Mooreland	Henry	Palmyra	Harrison	Sheridan	Hamilton	West College	
Moore Hill	Dearborn	Paoli*	Orange	Shiphewanna	LaGrange	Corner	
Mooreville	Morgan	Paragon	Morgan	Shirley	Hancock and Henry	Westfield	Hamilton
Morgantown	Morgan	Parker City	Randolph	Shoals*	Martin	West Harrison	Dearborn
		Patoka	Gibson				
Morocco	Newton			Sidney	Kosciusko	West Lebanon	Warren
Morristown	Shelby	Patriot	Switzerland	Silver Lake	Kosciusko	Westport	Decatur
Mt. Auburn	Wayne	Pendleton	Madison	Somerville	Gibson	West Terre Haute	Vigo
Mt. Ayr	Newton	Pennville	Jay	South Whitley	Whitley	Westville	La Porte
Mt. Carmel	Franklin	Perryville	Vermillion	Speedway**	Marion	Wheatfield	Jasper
		Pierceton	Kosciusko				
Mt. Etna	Huntington			Spencer*	Owen	Wheatland	Knox
Mt. Summit	Henry	Pines, Town of	Porter	Spiceland	Henry	Whiteland	Johnson
Mulberry	Clinton	Pine Village	Warren	Spring Grove	Wayne	Whitestown	Boone
Munster	Lake	Pittsboro	Hendricks	Springhill	Marion	Whitewater	Wayne
Napoleon	Ripley	Plainfield	Hendricks	Spring Lake	Hancock	Wilkinson	Hancock
		Plainville	Daviess				
Nashville*	Brown			Springport	Henry	Williams Creek**	Marion
New Amsterdam	Harrison	Poneto	Wells	Spurgeon	Pike	Williamsport*	Warren
Newberry	Greene	Porter	Porter	State Line City	Warren	Winamac*	Pulaski
Newburgh	Warrick	Poseyville	Posey	Staunton	Clay	Windfall City	Tipton
New Carlisle	St. Joseph	Pottawattomie Park	La Porte	Stilesville	Hendricks	Wingate	Montgomery
		Prince's Lake	Johnson				
New Chicago	Lake			Stinesville	Monroe	Winona Lake	Kosciusko
New Harmony	Posey			Straughn	Henry	Winslow	Pike
New Market	Montgomery	Ravenwood**	Marion	Sulphur Springs	Henry	Wolcott	White
New Middleton	Harrison	Redkey	Jay	Summitville	Madison	Wolcottville	LaGrange and Noble
New Palestine	Hancock	Remington	Jasper	Sunman	Ripley	Woodlawn Hgts.	Madison
		Reynolds	White				
		Ridgeville	Randolph	Swayzee	Grant	Worthington	Greene
				Sweetsel	Grant	Wynnedale**	Marion
						Yeoman	Carroll
						Yorktown	Delaware
						Zionsville	Boone

*Denotes a county seat.

**Denotes a place which elected to retain town status despite being included, for general government purposes, in the consolidated city of Indianapolis.

proprations made for that purpose.

In all counties except Marion, a town clerk-treasurer may solemnize marriages.

Town Marshal

The town marshal is appointed by the Board of Town Trustees to enforce the laws and ordinances of the town. Upon direction of the board, the marshal may also act as fire chief and street commissioner.

The marshal may appoint deputy marshals upon authorization of the town board.

Town Courts

In accordance with state law, in earlier years the judicial power of a town was vested in a town court created by ordinance of the Board of Town Trustees. The judge, who was elected by popular vote, was served by a bailiff (the town marshal).

This situation was completely altered in 1975, when the legislature decided to abolish city and town courts along with justice of the peace courts. The statute (P.L. 305) established a new network of county courts and small-claims dockets for higher courts. Town courts are abolished as of Dec. 31, 1983. However, a 1981 legislative act provides for establishment of town courts after 1983.

The authority's area of operation includes the town and the area within 5 miles of the territorial boundaries of the town, provided that area does not include any area which lies within the territorial boundaries of the authority of any other city or town. The area of operation may also include any other city or town if its governing body consents to such by resolution.

Metropolitan Police Commission

In any town, by a majority vote of the electorate, a metropolitan police commission of three members, appointed by the Board of Town Trustees, may be established to replace the town marshal. This commission is authorized to set up, subject to approval of the town board, a police force to carry on the duties of enforcing town ordinances and state laws.

Housing Authority

A Board of Town Trustees may, by passing a resolution, establish a housing authority and appoint five persons to serve four-year terms as commissioners of the authority.

Town Plan Commission

The Board of Trustees may authorize the appointment of a town plan commission under the Advisory Plan Law. The commission consists of seven members and has the same powers as a city plan commission, including the authority to create a town Board of Zoning Appeals.

Department of Development

If the Board of Town Trustees finds need for financing economic development or pollution control facilities, it may create a Department of Development under the control of a three-member Development Commission appointed for four-year terms by the president of the board.

It is the duty of the commission to recommend action to improve or promote job opportunities, industrial diversification and availability of pollution control facilities based on need determined by investigation and study.

Department of Redevelopment

The statute providing for establishment of a Department of Redevelopment grants the same powers to the Board of Town Trustees in a town as to the mayor of a city in appointing the board of trustees and the redevelopment commission.

Department of Aviation

If a town establishes or operates an airport or landing field, the Board of Town Trustees creates a Department of Aviation, controlled by a board of four members named by the trustees.

SCHOOL CORPORATIONS

School corporations are the legal entities serving as administrative units for the management, operation, and financing of local public schools. Varied types of school corporations function under the numerous statutes governing the administrative organization of the public school system.

Changes in administrative units have taken place since the "district school," patterned after the system in the New England states, developed in Indiana to fulfill the intent of the 1816 Constitution. In 1852 the state, by action of the General Assembly, abolished the "district school" as an administrative and taxing unit and supplanted it with "township school units." The greatest state-initiated action to reorganize school districts since that time occurred in 1959 with the passage of the School Reorganization Act (Chapter 202) creating the State Commission for

the Reorganization of School Corporations as well as guidelines for consolidating corporations. The most common administrative unit is the community school corporation. There are also some city and town school corporations, metropolitan school districts, and consolidated school corporations still operating in Indiana.

City and Town School Administration. In a few cities and towns, the schools are administered as separate corporations under the general control of a board of school trustees or a board of school commissioners elected by the common council or town board, appointed by the mayor, or elected by popular vote.

The powers and duties of the city or town school board may

vary with the population of the city or town.

The powers of the city or town school board are exercised for the most part as a separate function of government, encompassing matters pertaining to schools such as the hiring of teachers, purchasing of real estate for school plants, construction of school buildings, and the carrying out of all functions of public education.

Township School Administration. Generally, each township is declared to be a school township, excluding areas that may be parts of city, town or other school corporations with the township trustee having the duties of management of the township school system. Exceptions are townships which in their entirety have been incorporated into reorganized school corporations. Taxes for township school purposes are levied against taxpayers in areas of the township served by the township schools, but not against taxpayers in cities and towns or other areas within the township having their own school systems.

County Unit School Administration. Prior to passage of the 1959 school reorganization law, the county unit method of local school administration in Indiana could be established by either (1) a majority vote of the township trustees of the county approving a resolution creating a county unit, or (2) by action of the legal voters within the county voting in favor of the establishment of a county unit system on a referendum vote held expressly for that purpose in compliance with a petition signed by legal voters in every township in the county.

Under the 1959 legislation, county school units could be established through actions of the county school reorganization committees recommending this type of reorganization.

If a county school unit is formed under procedures of the 1959 reorganization law, the county board administering the schools of the county may consist of not less than three nor more than seven members, and may be either elected or appointed, depending upon the plan devised by the county reorganization committees.

Community School Corporations. Newly reorganized school corporations formed under terms of the School Corporation Reorganization Act of 1959 were designated officially as "community school corporations." Any combination of former school corporations, or territorial parts thereof, may be reorganized into a community school corporation.

Under the 1959 legislation, provisions were made for studies of school reorganization needs in all counties, for the development of school reorganization plans for the counties, and for consolidation (or other forms of redistricting) of existing school corporations in accordance with such plans upon approval thereof by affected voters.

The law created for each county a nine-member school reorganization committee, appointed by the judge of the Circuit Court. Each county committee consisted of the county superintendent of schools and (as selected by the Circuit Court judge) five lay citizens, a township trustee recommended by the county board of education, a member of a board of school trustees or commissioners in the county other than a trustee, and a superintendent or principal of a school town, school city, or consolidated school corporation.

The principal functions of the county committees were to survey the administrative organization of schools in their respective counties and to develop specific plans for the reorganization of schools into one or more community school corporations in each county. Such plans were to be submitted, following public hearings, to a state school reorganization commission for its review and approval or rejection. Reorganization plans approved

by the state commission could be put into effect in one of two ways: through ratification by means of a petition signed by at least 55 percent of the registered voters in the area comprising each proposed school corporation, or by approval in a special election in each affected area voting on the proposition. School corporations crossing county lines could be formed through joint actions of county committees and the process outlined above.

The school reorganization statute stipulated that plans developed by each county committee should provide "for the incorporation of all areas of the county into one or more administrative units that can provide an adequate educational program for grades one through 12."

Plans developed by county committees for the formation of reorganized community school corporations specified in each instance: (a) boundaries of the community school corporation; (b) number of members of the administrative board of school trustees (three, five or seven); (c) manner in which members of the board of school trustees shall be elected or appointed; (d) whether the reorganized corporation shall be governed as to rights, powers, duties and liabilities by laws pertaining to schools in cities of the fifth class (Indiana has since reduced the number of city classes to three) or by laws pertaining to the school corporation with the largest enrollment which becomes a part of the reorganized school corporation, and (e) limitations on residence, term of office and other qualifications required of members of the board of school trustees (terms of office being limited to four years). Subsequent approval of a plan developed by a county committee puts into effect the form of school government specified in the plan.

By 1970 the effort to reorganize school districts in Indiana was essentially completed; it has been turned over to the jurisdiction of the State Board of Education. There are now 304 school corporations compared to 966 in 1961. More than 98 percent of Indiana's public school pupils attend classes in reorganized school corporations.

Powers and Duties of School Commissioners or Trustees

In carrying out responsibilities with regard to general education, school corporation governing bodies have the following specific powers:

1. In the school corporation's name to sue and to be sued and to enter into contracts.
2. To provide necessary schools, buildings, facilities, property and equipment.
3. To sell, acquire or exchange real or personal property.
4. To lease school property or permit its free use for civic or public purposes.
5. To employ or discharge personnel, set salaries or other compensation and determine the number of necessary employees and define their duties.
6. To approve, for school-connected activities, trips by and expenses for personnel.
7. To provide transportation for pupils.
8. To provide school lunch programs.
9. To rent textbooks to public and non-public school pupils attending schools within the district.
10. To transfer students to and accept transfer students from other school corporations.
11. To levy taxes, make budgets, appropriate funds and disburse funds (within the limitations of certain state controls).
12. To purchase liability insurance for the school corporation and its personnel.

13. To defend employees or members of the governing body in suits arising from school corporation duties.

14. To establish and maintain a petty cash fund not exceeding \$500 annually.

15. To contract with banks and trust companies for payroll preparation, check issuance, bookkeeping and other similar functions.

16. To enter into joint programs with other school corporations by written agreement.

17. To change the name of the school corporation.

18. To appoint two members of the boards of all public library districts, the headquarters of which lie within the school district.

School Finance — State Distribution

Direct expenditures for public elementary and secondary education in Indiana exceeded \$3 billion per year in 1985-86 and will approach \$3.7 billion in 1988-89. Revenue for these expenditures comes from a variety of sources, mostly tax-supported. The state provides more than 60 percent of the total school revenues. The state money comes primarily from the sales tax and the state income tax (corporate and individual). Most of the money provided locally comes from the property tax; a small amount is realized from the auto license excise tax and miscellaneous sources of income.

The money received and spent by the public schools is distributed largely among four separate funds: general fund, debt service fund, cumulative building fund* and transportation fund. Each has its own property tax levy and rate and each has different requirements for the establishment of the rate, as well as for the calculation of the amount of state support to be received, if any. In 1985-86 these four funds accounted for 91 percent of all direct public school expenditures.

State Funds

State funds are appropriated by the legislature, usually for a two-year period that begins on July 1 of an odd-numbered year and ends on June 30 of the next odd-numbered year. The 1987-89 appropriation for all direct educational expenditures is \$4,204,108,650, an increase of 22 percent over the previous appropriation. Included is \$3,027,350,000 for tuition support for regular, vocational, and handicapped education programs; \$66,029,000 for transportation; and the remainder for a variety of categorical programs.

For the biennium, approximately \$1.8 billion will be distributed by the state in the form of categorical grants and indirect assistance. Among the larger of the categorical grants are \$132 million for Project Prime Time, a program begun in 1984 to reduce the pupil-teacher ratio in the lower grade levels; \$69 million to be distributed as a flat grant of \$40 per pupil in average daily attendance (ADA), used mostly for debt service, and \$41 million for statewide testing for educational progress and the associated remediation program.

Legislative appropriations and local property tax revenues constitute direct aid to public schools. The state also expends a considerable amount in indirect aid. Some \$320 million will go to the local school corporations to fund their social security obligations as employers. The state will also contribute more than \$326 million to the Indiana Teachers Retirement Fund. Additionally, there is the property tax replacement fund.

Beginning in 1973, all local school fund levies were subject to a 20 percent replacement credit paid by the state. In effect, local taxpayers paid only 80 percent of the property tax levied on

behalf of schools, with the state paying the remainder. In 1983, the state excluded new or increased debt service and cumulative building fund levies from the replacement program, in effect dropping the total replacement credit to a level slightly below 20 percent. Although not stated in the appropriation amount, the state will expend in excess of \$500 million for property tax relief payments during the biennium. This represents nearly 20 percent of the \$2.7 billion that local school districts will levy for property taxes during the two-year period.

A school corporation services its debt by setting a property tax rate that will produce enough revenue to meet its obligations. The cumulative building fund, and the capital projects fund that will replace it, is limited to a maximum of \$1.25 per \$100 of assessed valuation. Approval for the tax rate supporting the cumulative building fund has rested with the State Board of Tax Commissioners; however, approval of the rate for the capital projects fund will rest with the local taxpayers.

A limited amount of federal aid supports specific federal programs that are administered locally. The schools also have some receipts that are not derived from direct tax revenue; these consist of loans, advances, interest, bond sales, property sales and intergovernmental transfers as well as a limited amount in fees charged students and parents.

Stated by fund, school expenditures (and receipts) for 1985-86 were: general, \$2,300,791,602 (\$2,300,220,816); debt service, \$216,986,015 (\$221,569,241); cumulative building, \$179,935,394 (\$211,330,112); construction, \$53,123,446 (\$35,497,449); federal, \$93,116,242 (\$93,853,232); special education, \$26,660,710 (\$27,049,839); Vocational Education, \$13,164,075 (\$12,363,912); transportation, \$170,814,406 (\$170,073,745), and other, \$112,781,951 (\$114,243,570).

State Distribution Formula

Prior to 1975, local schools received state reimbursement through potentially seven state grants: basic grant, supplemental flat grant, supplemental grant, special education grant, vocational education grant, transportation reimbursement, and the \$40-per-pupil ADA flat grant. In 1975 the legislature combined the first five grants into one comprehensive formula for state reimbursement to public schools and called it the "basic grant". It has been revised several times in efforts to achieve, so far as is possible, the goal of meeting the needs of pupils equally throughout the state.

The formula for state support is a complicated one, and it is inextricably intertwined with the formula for the calculation of the local levy. Beneath its complexity, however, it fundamentally makes its distribution on the basis of four factors: (1) How much state money a school corporation received in the previous year; (2) how many children were enrolled for the previous year and how many are enrolled for the current year; (3) how many students are placed in certain special and vocational education programs; (4) the corporation's maximum property tax levy.

In the 1985 session of the General Assembly, an equalization factor was added. The factor called for every corporation to receive a guaranteed per pupil amount of \$1,900, to be increased to \$2,100 in 1987. In the 1987 session increases were authorized to \$2,300 for 1988 and \$2,500 for 1989. Additionally, school corporation revenue was to be controlled in order to narrow the gap between high and low income per pupil over a 10-year period. The foundation amount was set at \$2,250 for 1986; in

* In 1987 the legislature authorized local school corporations to replace cumulative building fund with a capital projects fund by 1992. The resource will fund and spend differently, but its total dollar flow will not differ significantly from that of the old.

1989 it will be \$2,700. Additional increases are yet to be determined.

Also in 1987, the General Assembly passed sweeping measures for educational improvement that will result in additional expenditures at both the state and local levels. These measures are directed, among other things, toward controlling the local property tax rate, revising the methods for accrediting schools,

and improving teacher quality and performance. The legislature also shifted the fiscal responsibility for providing textbooks for indigent students from the township trustee to a joint responsibility shared by the state and the local school corporation. Approximately \$7 million will be expended annually at the state level for the implementation of many of these measures.

REVENUE BY FUND BY SOURCE FOR INDIANA PUBLIC SCHOOLS FOR 1985-86

State*	Local and Intermediate	Federal	Non-Revenue
General \$1,315,660,995	General \$948,114,607	General \$9,618,880	General \$26,826,333
Debt 25,489,752	Debt 191,099,420	Debt 0	Debt 4,980,069
CBF 671,392	CBF 200,611,986	CBF 311,418	CBF 9,735,315
Sp. Ed. 2,051,563	Sp. Ed. 4,353,998	Sp. Ed. 85,110	Sp. Ed. 20,559,168
Voc. Ed. 350,726	Voc. Ed. 2,531,085	Voc. Ed. 951,590	Voc. Ed. 8,530,511
Transp. 41,432,209	Transp. 127,345,926	Transp. 1,733	Transp. 1,293,879
\$1,385,656,637	\$1,474,057,022	\$10,968,731	\$71,825,275

* The state also pays all costs for retirement programs for school employees. For 1983-84, payments into the Teachers Retirement Fund and social security payments to the federal government on behalf of local schools totaled \$187 million.

Local Funds

Indiana has 304 school districts, ranging in enrollment from 177 to 50,804 pupils, and each is unique. School property tax rates in 1986-87 ranged from \$.9844 to \$6.4976 per \$100 of assessed valuation for the general fund, and \$1.871 to \$10.1142 per \$100 of assessed valuation for all funds. However, local tax factors vary according to the individual circumstances that were in place at the time the tax control freeze was applied in 1973. For example, in 1986-87 the corporation with the highest total tax rate did not have the highest general fund rate, and the corporation with the lowest tax rate did not have the lowest general fund rate. By the same token, the corporation with the lowest tax rate did not have the highest assessed valuation per pupil, nor did the corporation with the highest total rate have the lowest assessed valuation per pupil.

The state provided annually about one-third of the cost of public education from 1933, when the gross income tax was begun, until 1973. In 1973 the General Assembly, seeking to reduce local government reliance on the property tax, severely restricted the amount that school corporations could raise by freezing the general fund property levy. (As a result, the amount of state support for the general fund has risen to about two-thirds, and for elementary and secondary education as a whole to about 60 percent.)

After 1973, additions to local levies resulted only from growth in student enrollment or to replace loss of federal aid to impacted areas. But 1979 brought a thaw in the levy freeze. The legislature (1) authorized a 1 percent increase for all school corporations, and (2) permitted corporations to request permission to increase levies enough to achieve an increase in general fund revenues of at least 6 percent over the previous year.

In 1981 the legislature authorized an increase in the general

fund levy that was equivalent to the amount raised by 15 cents applied to the 1982 assessed valuation, and reduced the cumulative building fund levy by the same amount. Legislative action in 1983 permitted levy increases as a result of increases in assessed valuation.

In 1985 the legislature approved the addition of the dollar amount yielded by a 4-cent rate applied to the 1986 valuation and a 7-cent rate applied to the 1987 valuation. In 1987 further approval was given for 4-cent rates for 1988 and 1989. Legislative action taken in 1985 and 1987 will force up low general fund tax rates toward \$2.50 per \$100 of valuation and restrict the rates that are above \$4.50.

Although school corporations do not have to get voter approval for regular program budgets, taxpayer rights are protected by legal process. All budgets are reviewed by the State Board of Tax Commissioners to ascertain legality and fundability. All requests for the issuance of bonds or for any other long-term debt agreement are subject to remonstrance procedure. Since 1973 the School Property Tax Control Board has held hearings for all corporations seeking to enter into long-term debt, or who are experiencing financial hardship. The board then makes recommendations to the state tax commissioners.

The Tax Control Board, in hearing requests from corporations experiencing difficulty in financing their established budgets, is authorized to recommend one or more of several possible solutions. If the corporation accepts a recommended solution, it becomes a controlled corporation for the year for which the relief is granted. Being controlled means that the corporation must have prior approval from the control board for all but the normal financial transactions.

The control board must also approve requests by local corporations desiring to hold a property tax referendum to increase their base levies by specified amounts. A corporation does not become controlled as a result of referendum approval.

A HALF DECADE OF CHANGE — 1981-82 through 1985-86

	1981-82	1985-86	% Change
Public School Enrollment	1,025,172	966,106	(5.76)
Full-Time Teachers (1-12)	49,019	50,304	2.62
Total Professional Staff	59,394	59,634	0.42
Per Pupil Cost	1,976	2,763	39.84
Teacher Salary (Average)	18,645	24,345	30.57
Number Pupils Transported	675,349	663,273	(1.79)
Local, Intermed. Receipts	\$1,244,079,872	\$1,543,942,746	24.10
State Receipts	1,076,650,147	1,401,964,090	30.22
Federal Receipts	104,520,787	130,509,583	24.86
Non-Revenue Receipts	88,033,650	109,688,499	24.60

HOW LOCAL GOVERNMENT OBTAINS ITS MONEY

Everyone lives very close to local government and uses its services, but many may not understand where the money comes from to pay our police, firemen and teachers, and the operating costs of public buildings, parks and other expenses.

The following information describes the operation of local finance in Indiana. The pattern of this operation is much the same throughout the state, but there are some variations. Certain cities own and operate public utilities, for example, and thus have income that is not available to cities that do not operate such utilities. The explanation that follows does not attempt to go into great detail; it focuses on the overall pattern of local finances in order to present a clear picture of the Indiana system.

Property Tax Is Major Source of Revenue. Property taxes are levied on privately-owned land and buildings, as well as on business equipment and inventories, livestock and other tangible property. Such taxes have always been the principal source of revenue for local government. In recent years, the federal and state governments have been making grants to help local units of government pay for specific programs. Property taxes provided only 39 percent of local revenues in 1982, compared to 58 percent in 1957 and 62 percent in 1941. This pattern of declining percentage, essentially brought about by the property tax controls instituted in 1973, was reversed with the passage of legislation in 1984 that relaxed some of the controls and allowed some sharp increases in local property taxes, beginning in 1985.

State and Federal Aid Is Second Major Revenue Source. Grants from the federal and state governments to local units constitute the second major source of local revenue. These funds are allocated to local units to be used in the financing of public schools, public welfare, road and street maintenance and general costs of government. They are allocated on the basis of school attendance and school spending, the amount expended for public welfare, the miles of highways and streets to be kept up, motor vehicle registration, population and other factors.

Through the property tax replacement program of 1973, the state began funding local government expenditures to the extent of 20 percent of property tax revenue. The program provided that each taxpayer would receive a credit of no less than 20 percent of that taxpayer's annual property tax liability, as determined by the county auditor. The county treasurer annually notifies each taxpayer of the credit available. Twice each year, in May and in November, the state reimburses the county for the loss of revenue brought about by the property tax credit allocated to individual taxpayers. This reimbursement comes from a replacement fund made up of two-fifths of the state's sales tax collections and a portion of the receipts from income taxes paid by corporations.

Local Income Tax. Beginning in 1973, Indiana local units of government were given the power to impose an optional local individual income tax to help meet the costs of providing services to residents. The procedure called for the tax to be adopted by ordinance of the county council and levied on county residents at an initial rate of 1/2 percent, 3/4 percent or 1 percent. The proceeds were to be distributed to local units within the adopting county in the same manner and proportion as the property tax. Persons working in the county but residing in another, non-adopting county would pay the local income tax at the maximum rate of 1/4 percent. The Indiana Department of Revenue

was directed to collect the local income surtax and remit the funds to the adopting counties. Employers were made responsible for withholding the tax in the same manner as the withholding procedure for the state income tax. Thirty-eight counties currently levy this tax.

Beginning in 1985, counties were given the opportunity to impose a County Option Income Tax (COIT) instead of the 1973 local income tax. The legislature directed that COIT be imposed by a "council" that is only a paper organization. In reality, the various civil government units in the county are allotted votes in proportion to their population. Each year the governing bodies of those governments are given a chance to pass a resolution asking that COIT be adopted. If the resolution is passed by units representing more than half of the county's population, COIT is imposed. It must start at a rate of 0.2 percent and can be increased in annual increments of 0.1 percent to a maximum of 1 percent. Ten counties, including many of the larger urban counties, levy this tax.

Preparation of Budgets in Local Taxing Units. Indiana laws governing preparation of budgets of local governmental units are designed to give maximum protection to property taxpayers against excessive and burdensome local governmental costs. The budget of any local governmental unit is its financial work program for the year. The budget is composed of two estimates: the probable expenditures as related to previous spending and the probable cost of new items and salary increases. Next, the probable revenues are estimated, based on the current level of property taxes. The difference, if any, is to be met by increasing the amount raised through the property tax. The proposed budget is then ready to begin its progress through the required review procedure.

Budget Review. Indiana's budget laws for local communities provide two stages of review through which local budgets must progress before they finally become approved and effective. They are:

1. Review by the local legislative body having jurisdiction, such as the city council, the county council, the Township Board or the School Board.
2. Review by the State Board of Tax Commissioners of any budget whose total rates are in excess of statutory limits or any budget whose contents and/or proposed new property tax rates have been appealed, either by the municipal corporation or by taxpayers.

At each of these stages in the budgeting process, public hearings are held and any taxpayer or organization representing taxpayers may submit recommendations plus supporting facts and figures:

Two state-level advisory boards assist the State Board of Tax Commissioners in reviewing appeals for emergency relief from the restraints of the freeze on property tax levies and rates. Both the School Property Tax Control Board and the Local Government Tax Control Board can recommend relief for distressed local units of government.

Following completion of the review procedure, the budget in its final approved form is returned to the county auditor. This official applies the tax rate adopted for each taxing unit to the assessed valuation of each property within the taxing unit. When the tax liability for each property has been computed, the tax statements are prepared and placed in the hands of the county treasurer for collection.

APPENDIX

HISTORICAL HIGHLIGHTS OF INDIANA GOVERNMENTAL DEVELOPMENT

How each generation of Hoosiers has met the changing problems of government.

HOOSIERS IN GOVERNMENT

An honor roll of some Indiana men recognized for outstanding roles in their political parties or in government service.

FACTS ABOUT INDIANA

Data on Hoosier industry, agriculture, educational facilities, mineral resources, transportation, population and recreation.

HOOSIERS AT WORK

A summary of the vocations and professions followed by Indiana residents.

THE ORIGINS OF THE COUNTIES

How and when the Indiana counties were organized and the origins of their names.

THE A-B-C OF POLITICS

A discussion of the mechanics of politics in Indiana.

CONSTITUTION of the STATE OF INDIANA

Historical Highlights of Indiana Governmental Development

Each generation of Hoosiers, in meeting its governmental problems, has contributed to the development of Indiana government as we know it today.

Before Statehood

The early inhabitants of the region we now call Indiana were nomadic Indians whose burial mounds still can be seen in various parts of the state. Farming Indians later took the place of the nomadic tribes. When the first settlers arrived, however, the Indians inhabiting the area were the warlike, hunting tribes who had entered the state after 1600.

Under Three Flags

The first known white man to set foot in Indiana was a French explorer, Robert Cavalier de LaSalle, who crossed the St. Joseph-Kankakee River portage (near present South Bend) in 1679. Before 1720 the French had established trading posts near the present sites of Fort Wayne and Lafayette. French settlers founded Vincennes in 1732 and shortly thereafter established the first church in Indiana. The records of this church are the oldest continuous records to be found in the state, dating back to 1749.

As a result of the French and Indian War (1754-63), the territory embracing Indiana became an English possession. The English forbade the colonists to settle in the "New West" and this edict became one of the causes of the Revolution. The capture of Fort Sackville at Vincennes in 1779 by a force led by Virginian George Rogers Clark led to British loss of the vast Northwest Territory. (This gave Indiana the only historic site relating to the American Revolution west of the Allegheny Mountains.)

Clark was granted 150,000 acres of land in the area now including Clark County, which was named for him. Clarksville (Clark County) was settled in 1784, and today the George Rogers Clark state memorial at Vincennes commemorates his place in Indiana history.

The Northwest Ordinance

After England ceded the western lands they were claimed by Virginia but later ceded to the Continental Congress. As settlers began moving into the region via the Ohio River, Congress enacted the Ordinance of 1787 for the administration of the Northwest Territory, which included the present states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota.

The Northwest Ordinance was a historic and enlightened law; in addition to providing the machinery for territorial government and the eventual creation of new states, it forbade slavery in the area and encouraged education by directing that one township in each section be set apart to be sold for funding the establishment of schools. The state Constitution later placed these revenues in the Congressional Township Fund. (See Article 8, Section 2.)

Thus the Northwest Ordinance established the township as a unit of government in the new states formed after the ordinance became law.

In June of 1790, Knox County was created. Patterned after the English county unit of government, it reached northward from the Ohio River and incorporated the bulk of the area eventually to become the state of Indiana. The establishment of Knox County marked the origin of organized civil government in Indiana 26 years before statehood.

"Old Tippecanoe"

The first division of the Northwest Territory took place in 1800 when Congress carved out the state of Ohio. The remaining vast tract was designated as the Indiana Territory; it included the present states of Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. William Henry Harrison was appointed the territorial governor by Congress in accordance with the provisions in the Ordinance of 1787. Two major problems faced the new governor — organizing the government of the new territory and securing the land from the Indians. Some of the notable events up to the time when Harrison left office to take part in the War of 1812 attest to the progress made.

Clark, Dearborn, Franklin, Harrison, Jefferson, Knox and Wayne counties had been organized. In 1804, Elihu Stout began publishing the first newspaper in the state; it was a weekly publication at Vincennes called the *Indiana Gazette*. (The year 1954 thus marked the sesquicentennial of newspaper publication in Indiana.) In 1806 the state's first institution of higher learning, Vincennes University, was chartered by the Territorial Assembly. By 1810 Indiana was pared to its present size by the detachment of the Illinois and Michigan Territories.

By the time Indiana entered the Union as the nineteenth state on December 11, 1816, most of its 64,000 inhabitants lived in what was approximately the lower third of the state, the remainder still being held by the Indians. The Battle of Tippecanoe near Lafayette in 1811 is considered to have broken the power of the Indians; it was Harrison's best-remembered military victory. "Tippecanoe and Tyler, too" was the campaign slogan of Harrison's backers when he achieved the presidency of the United States in 1840 as the candidate of the Whig Party. John Tyler was his vice president.

EARLY STATEHOOD, 1816-1851

The Constitution of 1816

The basic law of Indiana from 1816 to 1851 was the first state Constitution. Parts of it are reputed to have been written beneath a huge elm tree in Corydon, the first state capital. This

was a brief document and very democratic for the age. Its authors borrowed heavily from the constitutions and practices of neighboring Kentucky and Ohio as well as from the federal Constitution. The Hoosier document prohibited slavery (in accordance with the Ordinance of 1787) and made it the duty of the state to establish a free public school system, including a "state university." It required periodic referendums on the question of calling a convention to draw up a new Constitution.

The 1816 Constitution created the state offices of governor, lieutenant governor, secretary of state, treasurer, auditor, state senators and representatives, and Supreme and Circuit Court judges. Of these, only the governor, lieutenant governor, senators and representatives were elected by the voters. The General Assembly appointed all other officers, including United States senators (until 1913), except the Supreme Court judges, who were appointed by the governor.

The first state elections were held on August 5, 1816. Jonathan Jennings of Charlestown, who, like most Hoosier politicians of the time, was a Jeffersonian Republican, became Indiana's first chief executive at the age of 32. His annual salary was \$1,000. In this as in other early Indiana elections, no caucuses, conventions, or primaries were held to choose party candidates. The candidates merely made formal announcement of their candidacies and proceeded to campaign for election.*

Some Early Governmental Headaches

Although Indiana was then a part of the nation's frontier and the number of inhabitants was growing rapidly, the population of the state was comparatively small. The 147,178 citizens of the state in 1820 were mostly farming settlers, with a smattering of artisans and tradesmen in small towns in the southern part of the state. The struggling settlers could not afford to pay much in taxes; some rugged individualists were said not only to have resented taxation but also to have avoided it. Added to other revenue-raising difficulties was the fact that lands purchased from the federal government were exempt from taxation for five years after purchase.

Thus, then as now, the obtaining of tax revenue was a central problem of the state and local governments. Practical proof of this difficulty is that the state's first annual revenues, derived almost entirely from property taxes, **were less than \$20,000.

Providing available land for the new settlers was one of the chief tasks of the new state. Through the "New Purchase" of 1818, the federal government received title from the Indians to the middle third of the state — some 8 million acres — and by 1840 all the land had been secured from the Indians.

Local Governments Developed

Indiana's first constitution explicitly created the county offices of sheriff, coroner, clerk of the circuit court, and recorder, and the township office of justice of the peace, all of whom were

*The method of choosing party candidates underwent a gradual evolution. Caucuses preceded the convention system which began on a national level around 1832. The convention system was used in all units of government until the 20th century, when primary elections began to be held to choose candidates for local offices.

**Some examples of the typical tax rates of the time were: \$1.00 for 100 acres of first-class farm land; \$3.00 for each bond-servant; 37 cents for each horse or mule; \$5.00 to \$25.00 for ferry boats, and 50 cents per town lot.

elected by the voters. The constitution further stated that "all town and township officers shall be appointed in such manner as directed by law," thus leaving to the General Assembly the authority to set up the further organization of local government.

While townships had a uniform organization, each town received an individual charter (of incorporation) from the General Assembly. Thus many towns actually existed for a number of years before receiving their charters and becoming officially incorporated. Many early towns that were important trading posts and business centers in the flatboat and canal era lost their importance with the development of roads and railroads and some no longer exist.

"The Mammoth Internal Improvement Bill"

The building of the east-to-west National Road (now U.S. 40) and the south-to-north Michigan Road (now U.S. 421, Indiana 29 and 25, and U.S. 31) in the late 1820's and early 1830's, together with the construction of canals in Ohio, stirred up much interest in transportation. Indiana, stimulated by the success of the Erie Canal in New York state, embarked upon the "canal era" with the enactment by the legislature of the Mammoth Internal Improvement Bill in 1836.

The act carried an appropriation of \$13 million, which meant issuing bonds that represented well more than 10 percent of the state's total assessed valuation. It provided for a vast network of canals throughout the state plus turnpikes and a railroad. One year later the Panic of 1837 struck the nation. The state government became bankrupt and defaulted on its payment of the canal debt. The depression, plus the development of the railroads, spelled the doom of the canals.

The effect of this experience is still visible to Hoosiers, for the Indiana Constitution now forbids the state to go into debt by obligating the general revenues of the state (except to meet casual deficits in revenue, to pay interest on the state debt or to repel invasion, insurrection, etc.). Further, local governmental units are restricted to debts not exceeding 2 percent of their assessed valuations. (See Article 10 and Article 13.)

Attempts at Utopia in Indiana

In 1824, a Welsh-born philanthropist named Robert Owen founded an idealistic community enterprise at the southwestern tip of Indiana in Posey County. This early experiment in socialism was begun on the site of a previous living-in-common effort of a religious nature by a German group under Pastor George Rapp. Father Rapp's flock prospered at Harmony for 10 years before he sold the property to Owen (at a good profit) and moved his communal enterprise to Pennsylvania. Owen's venture, which he called New Harmony, was so beset by internal wrangling that the effort was short-lived. The communally owned property became privately owned and many of the New Harmony followers settled permanently in the state.

Capital Moved — New State Institutions

The state capital at Corydon was moved in 1825 to its present central location in Indianapolis. In the same year, Indiana Seminary, having been chartered five years previously, opened its doors to students at Bloomington. The seminary was the forerunner of Indiana University. In the 1840s, the state founded its

first mental institution (Central State Hospital at Indianapolis), and created schools for the blind and deaf. In a referendum in 1849, Indiana voters asked that a constitutional convention be held to draft a new constitution that would reflect the state's increased responsibilities that accompanied growth and progress. Indiana, during the 1840-1850 decade, was one of the first states to begin granting women equal rights by permitting them to make wills.

THE CIVIL WAR ERA

The New Constitution

A new Indiana Constitution was drafted on the eve of the impending slavery and secession crisis. It resulted from the labors of a convention that was in session for 18 weeks, from Oct. 7, 1850 to Feb. 10, 1851. (See Appendix for the full text of the 1851 Constitution as amended to the present time.) Major changes from the 1816 Constitution were provisions for more frequent elections, more elective offices*, biennial rather than annual sessions of the General Assembly, the restriction on state debt, and an easier method of amending the constitution. (See Article 16.)

The new constitution directed the General Assembly "to provide, by law, for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all." (See Article 8.) A year after the its adoption, a tax-supported public school system was created by law. Much of the credit for the adoption of the system is due Robert Dale Owen of New Harmony and John I. Morrison of Bloomington, authors of the law creating the system, and Caleb Mills, a Wabash College professor, who helped marshal a favorable public opinion for tax-supported public schools.

The War of Secession

A few weeks before the beginning of the Civil War in 1861, Governor Henry Smith Lane resigned to accept a seat in the U.S. Senate. This was a practice common among Indiana governors in the period when U.S. senators were chosen by the state legislature. The office of governor fell to the lieutenant governor, Oliver P. Morton. Indiana's Civil War governor proved to be a strong advocate of the preservation of the Union, prosecuting the war in a most zealous fashion. There were many in Indiana who resented such strong measures. The Knights of the Golden Circle, an organization sympathetic to the Southern cause, claimed over 50,000 members in the state. Anti-draft riots were frequent and political strife was sharp.

Nevertheless, Indiana was high among the states supporting the Union. More than 210,000 Hoosiers served in Northern forces, and 24,416 died in service — the greatest blood sacrifice in Indiana military history. A move to honor Indiana's Civil War dead resulted in the erection of the Soldiers and Sailors Monument now standing in Monument Circle in Indianapolis. The shaft eventually was dedicated to the memory of Hoosiers who died in all wars prior to World War I.

Effects of the War

According to journalists of the era, there was a general let-down in morality and respect for law immediately following the war. One of the more general effects was that the development

of the public school system was delayed because of concentration of the state's resources toward the war effort. The State Soldiers' and Sailors' Home (Lafayette) and the Soldiers' and Sailors' Children's Home (Knightstown) were begun as a combined institution at Knightstown in 1867 to care for those disabled, widowed, or orphaned by the war.

On the economic side, characteristics of a period of transition were evident. The use of machinery in industry had risen sharply during the war and farming was made more efficient by the introduction of the reaper, binder, and mower. Transportation by water and rail was being improved and gravel was beginning to be used on Hoosier roads. Cities, receiving the impact of mechanization, multiplied and grew.

Events, 1851-1865

With attention focused on the war crisis, legislation during the period was confined to matters of impelling importance. The Board of Trustees system which was used for almost 100 years (until 1953) in administering Indiana institutions, was inaugurated in 1857 at the state prison, then located at Jeffersonville. Continuing to be progressive in the women's rights field, Indiana became the second state to have a co-educational college when Butler University (then Northwestern Christian College) admitted women in 1855. At the close of the Civil War the state stood on the eve of a new period in Indiana history characterized by intense industrial growth and increased responsibilities for the state government as well as for local governments.

THE RISE OF INDUSTRY, 1865-1901

The Why and How of Industrial Growth

The necessities of war brought on technical improvements in Hoosier agriculture and industry in a comparatively brief period of time. With the ending of hostilities, industry, armed with new techniques, was prepared to manufacture many and varied articles for the American consumer. Additional reasons for Indiana's being caught up in the industrial revolution were its location and natural resources, a good governmental environment, and improvements in transportation. In the decade immediately preceding the Civil War, Indiana's railroad mileage had grown from 220 miles to 2,200 miles of rails. After the conflict, the state was linked to the South and East by additional trackage. Its location between two great waterways, the Ohio River to the south and Lake Michigan to the north, coupled with its central-ized location, truly made Indiana the "Crossroads of America."

Natural resources aiding the rise of industry were coal, natural gas (after 1886), stone, clay and other minerals, and lumber. Finally, this period witnessed what is no longer an oddity in Indiana politics — a shifting balance of power between the two major parties, Republican and Democratic, that has made Indiana a swing state politically. Thus each party, for its own prosperity and success, attempted to perform to the best of its abilities.

*State officers elective under the 1851 Constitution were: governor, lieutenant governor, state senators and representatives, secretary of state, auditor, and treasurer of state, Supreme and Appellate Court judges, Circuit Court judges, and prosecuting attorneys. Local officers elective under the Constitution as adopted were (Circuit Court) clerk, county auditor, recorder, treasurer, sheriff, coroner, and surveyor, and township justices of the peace. Other county and township officers were to be "elected or appointed in such manner as . . . prescribed by law."

Effects of Industrialization

The effects of industrialization were many and complex. They can be described generally, however, as contributing to the rise of cities and greatly augmenting the responsibilities of government. The movement to the cities increased rapidly. Ten percent of the state's total population lived in cities in 1860 and 33 percent were city dwellers in 1900. Accompanying this rise of the cities with their cultural and economic advantages came also the slums, increased crime, and other problems that still face cities and their governments today.

Agriculture became mechanized and increased output. This in turn helped to make possible the increased number of products developed and manufactured by industry, particularly processed goods, including flour, meal, meats, lumber and textiles. Some of the government offices created in this period of increased industrial activity were mine inspector (1879), oil inspector (1881) and factory inspector (1897). Also appearing early were the State Board of Charities (1889) whose functions are now carried on by the Welfare Board and Board of Corrections, and the Labor Commission (1899). Some of the early examining and licensing boards were the Board of Medical Registration and Examination (1897), Board of Dental Examiners (1899), Board of Pharmacy and Board of Embalmers (1901), and Board of Nurses Registration (1905).

Two other significant trends in legislation during this period following the Civil War were the conservation movement and the establishment of governmental agencies to improve the Hoosier way of life. Acting a decade ahead of the federal government to aid in conserving natural resources, the General Assembly created the offices of commissioner of fisheries and state geologist (1881), the first State Park Commission (1895), state entomologist (1899), and Board of Forestry (1901). The State Board of Health, created in 1881, and the Library Board of 1895 were but two of the official state agencies designed to better the citizens' living.

A Hoosier Elected President

In 1888, Benjamin Harrison, an Indianapolis resident, was elected president of the United States on the Republican ticket. The Columbia Club in Indianapolis was founded as a marching society to elect Harrison. Purdue University received its charter as a land grant college in 1869 and began operating five years later in 1874. In 1881, the amendment restricting debts of local units of government to 2 percent of assessed valuation was inserted in the state Constitution. The Australian ballot, designed to protect secrecy in voting — the type of paper ballot still used in Indiana today in some places — was introduced in Indiana elections in 1889 as a result of "vote buying" scandals in the state. In 1891 a general revision of the state's tax laws was enacted after an aroused public called for tax reforms. The State Board of Tax Commissioners was created and the "Indiana Plan" of setting local tax rates and making appropriations was inaugurated to promote equalization of property taxation. The first compulsory education law, requiring attendance at school for children six to 14 years of age, was enacted in 1897. Indiana's choice location led to the world's largest oil refinery being built at Whiting in 1889 and to the rise of a great steel industry in the Calumet region in Lake County.

ENTERING THE 20TH CENTURY

Political Science in Hoosierland

As Indiana prepared to celebrate its first hundred years of statehood (the Centennial Commission became the present State Historical Bureau), Hoosiers vociferously expressed their deep interest in things political. A new Constitution was drafted in 1909-1911, but the action was invalidated by the Supreme Court. The 1913 General Assembly then adopted 22 amendments embodying the new Constitution (called the "Stotsenburg amendments" after their sponsor), but the 1915 session of the Assembly failed to readopt the amendments and the movement failed. The state also entered further into the regulation of business through the creation of the Public Service Commission in 1913 for the regulation of rates and services of all public utilities, supplanting the previously created Railroad Commission. The Workmen's Compensation Act, to provide compulsory compensation for employees injured on the job, was passed in 1915. The first Indiana state-wide primary election law was enacted the same year. In 1919, the various agencies dealing with natural resources were consolidated into the Conservation Department, the activities of which in 1965 became a responsibility of the Department of Natural Resources.

A governor's investigation of alleged embezzlement on the part of state officials resulted in the formation of the State Board of Accounts in 1909. The board ever since has audited the records of the state and all local governments.

Indiana at War

As has always been the case, Indiana responded well when the nation was at war in 1917-18. The first shot fired by an American soldier in World War I was fired by a Hoosier, sergeant Alexander Arch of South Bend, while the first American soldier killed in the war was also a Hoosier, Private James B. Gresham of Evansville. Of the 118,000 Indiana citizens who served in the armed forces in World War I, 3,350 died while in the service. Many deaths of both servicemen and civilians were caused by the disease of influenza, which swept the whole nation during the war. In a special session in 1920, the Indiana General Assembly provided for a World War Memorial Plaza in downtown Indianapolis, which includes the memorial itself and national and state headquarters offices of the American Legion and its affiliated organizations.

Mother of Vice Presidents

Four Hoosiers have filled the office of vice president of the United States. Schuyler Colfax, Republican, of South Bend, one-time congressman from Indiana was vice president during the term of Ulysses S. Grant from 1869 to 1873. Thomas A. Hendricks, Democrat, of Shelbyville and Indianapolis, governor from 1873 to 1877, was elected vice president with Grover Cleveland in 1884, but died after serving less than a year in office. Charles Warren Fairbanks of Indianapolis, Republican, a former U.S. senator from Indiana, ascended to the vice presidency in 1904 when President Theodore Roosevelt was elected. Indiana's two-term vice president was Thomas R. Marshall, a Democrat, born at North Manchester and later a resident of Columbia City, who served with President Woodrow Wilson from 1913 to 1921. Marshall previously had served as governor of the state from 1909 to 1913.

THE TURBULENT TWENTIES

The Postwar Period

Indiana, with the rest of the nation, witnessed the end of a war boom as the decade of the 1920s was ushered in with a "recession" in 1921. Following this, however, the intensification of mass production methods and technical advancements of the day, among other factors, resulted in a high level of prosperity. More and more Americans enjoyed new and better products. Hoosier cities grew and the state became more industrialized, largely as a result of a heavy concentration in the state of the automobile and other metal products industries, which continue to provide a large share of Hoosier industrial employment.

The economic "bubble" burst with the crash of the New York stock market in 1929 and the decade came to an end in the same fashion as it had begun — in an economic depression that was to have significant effects on Indiana government.

State agencies created in the decade of the twenties were: Board of Agriculture, Probation Officer, and Budget Department in 1921; Deep Water Way Commission in 1923; Board of Podiatry Examiners in 1925; George Rogers Clark Memorial Commission in 1927; Architects Registration Board and State Library Building Commission in 1929.

A New Tax and a New Police Department

Indiana, like the U.S., was becoming motorized and Hoosiers were demanding better roads. In 1923 the General Assembly enacted the first state gasoline tax, in the amount of 2 cents per gallon. (Yield from this tax during the fiscal year 1924-25 was \$6,792,532.)

The State Highway Commission, originally created in 1917, received new finances through the gasoline tax and the highway system was greatly improved during the decade. While the original state highway system consisted of county roads incorporated into the system, many of our present state highways were built in this period.

To combat the theft of automobiles, an auto registration law was enacted in 1921 to be enforced by a newly created state police system, then under the jurisdiction of the secretary of state. In 1925, the State Police Department received authority to enforce traffic regulations. That same year, the department arrested 4,382 motorists for traffic violations, including 2,265 motorists for exceeding the state speed limit of 35 miles per hour. In later years, the state police authority was expanded to include general police powers and the personnel of the department was greatly increased, although enforcement of laws relating to use of the highways remains one of its primary functions. (See Police, State.)

GOVERNMENT REORGANIZED

A "Face-Lifting" for the Executive Branch

Up to the year 1933, the executive branch of the state government could have been described as a board and commission type; that is, the governor appointed a bipartisan (usually) board in which was vested the authority of the departments, such as the Departments of Conservation, Health, Highway,

etc. With the depression at its height — banks failing, unemployment widespread, governments facing shortages of revenues, and the many other hardships wrought by an economic depression — a state government reorganization plan of major proportions was enacted in the 1933 session of the General Assembly at the urging of Governor Paul V. McNutt.

All of the various state agencies were grouped into eight departments (nine in 1936). The net result of the reorganization was a strengthening of the power and authority of the governor's office in an attempt to operate government more efficiently and economically.

Some New Taxes

The 1933 General Assembly also enacted three new tax laws, largely born because the depression conditions had made it impossible to obtain sufficient funds for local and state governments and schools through the old tax system, which relied preponderantly upon the property tax. The Indiana Gross Income Tax Act, which from 1933 to 1963 provided the principal source of Indiana state tax receipts, early proved successful in combating the revenue shortages and tax problem. Another of the revenue levies adopted was the intangibles tax on stocks, bonds, notes, etc. With the return of alcoholic beverages at the close of Prohibition, the state immediately placed gallonage taxes and license fees on the manufacture and sale of such products.

Increased State Aid to Schools

Accompanying the new taxes, and made possible by them, was a vastly expanded program of state aid to public schools. Since 1905 the state had levied a statewide property tax for general distribution to schools and for special financial assistance to "needy" schools. In 1933, however, the state began to assume a greater role in local school financing through distribution of general state tax funds to all local schools for operating purposes.

To help deal with labor-management matters, the state Division of Labor was created in 1937 during the administration of Governor M. Clifford Townsend. Early in that same year, Indiana suffered one of the greatest disasters in its history — an Ohio River flood. Entire cities and towns were submerged, thousands of homeless, scores dead, and millions of dollars of property damage was sustained. This disaster, plus a similar one in the Wabash Valley in 1943, were among the factors resulting in creation of the Indiana Flood Control and Water Resources Commission in 1945, now a part of the Department of Natural Resources.

WAR AND POST-WAR

The Defense Effort

The national defense effort of the early 1940s vitally affected Indiana. Due largely to the factors attractive to industry as indicated earlier, plus its inland location that made the state comparatively safe from air attack, Indiana became a scene of intense activity in the production of war goods. Existing factories were expanded, new factories were built, literally thousands of

workers and their families were attracted to the state, and major military installations were constructed. Indiana ranked seventh among all states in the production of war materials and has retained its high industrial ranking ever since.

In World War II, approximately 340,000 Hoosier men and women served in the armed forces. Of these, about 10,000 died while in the service of their country. Following the war, Indiana for the first time granted a cash bonus to its veterans and created a department devoted entirely to veterans' affairs.

Effects of the War on the State

Some of the immediate effects of the war were the suspension of major expansion of state institutions and the postponement of some needed improvements on the highway system. Actually, the highways suffered doubly, due to the heavy traffic that played a vital and necessary role in the national war effort. Thus, following the war, the state faced the task of catching up with delayed expansion and improvements as well as that of meeting new construction needs to keep up with its growth.

Other Happenings

When Governor Henry F. Schricker became the sole member of the Democratic Party elected to an executive state office in 1940, the Republican-dominated 1941 legislature sought to limit much of the executive authority of the governor's office. The 1941 act was invalidated in a far-reaching decision by the Indiana Supreme Court, which held that the act infringed upon constitutional authority and responsibilities of the office.* The governor's office retains great powers, stemming both from the Constitution and legislative acts. During the same administration, the State Defense Council was created to promote and coordinate civil defense in Indiana in World War II. This activity was re-established in 1951, following the outbreak of hostilities in Korea, as the Department of Civil Defense.

To meet federal requirements on social security programs, the state had enacted a merit system for employment of personnel in the Welfare Department and the Employment Security Division in 1935. In 1941 the merit system was broadened to include employees in some other state departments. The Public Employees' Retirement Fund (PERF) was established in 1945 for the purpose of helping to attract and retain qualified public employees.

Another important development, this during the administration of Governor Ralph Gates, was the creation by the legislature in 1947 of the Indiana Department of Revenue in which was consolidated the administration of Indiana's major tax laws. Also during this period, a Hoosier son, Wendell L. Willkie, native of Elwood, was the 1940 Republican candidate for the presidency of the United States.

The 1950s

A significant development in state government was the establishment of the Department of Correction, in which was lodged the responsibility for operation of the state's penal institutions. This department was created by the 1953 legislature at the sug-

*Reference is made to the case of *Tucker vs. State*.

gestion of Governor George N. Craig. The same legislature enlarged and reorganized the State Health Department, among the aims being an expanded program for mental health.

In 1951 there was created a State Toll Road Commission under whose authority there was constructed a special highway across northern Indiana, the costs to be met by collection of tolls charged to users.

In 1955 a state bonus was voted by the legislature to be paid veterans of the Korean conflict. Money to pay this bonus was obtained from the balance remaining in the World War II Bonus Fund. Recognition of the need for school construction was manifested by making available to local school corporations on a loan basis the money remaining in the World War II Bonus Fund after all claims had been paid.

Expanded Highways

The state legislature in 1957 took steps to gear the state to the expanded federal highway-building program by increasing the state motor fuel tax from 4 cents to 6 cents per gallon — thus increasing the amount of state funds which could be used to match federal funds available for highway purposes. Governor Harold W. Handley reorganized highway right-of-way buying procedures in line with a planned acceleration of engineering and construction on the 1,120.9 miles of Interstate Highway System designated for Indiana.

The 1957 legislature also increased gross income tax rates for almost all taxpayers except retailers and instituted the withholding of this tax from payrolls by employers of four or more persons. The greater revenue was used to increase the amount of state-collected funds routed back to local governmental units to finance their activities, and to meet a higher level of expenditures by state government.

The growing volume of services provided by state government over the years and the increased number of state employees required to administer these services resulted in a shortage of office space in state-owned buildings. Many state agencies necessarily had been housed in rental offices. To relieve this situation and to locate state government again primarily under one roof, the construction of a modern, 13-story state office building was started in 1959 and it was occupied in 1961.

Important legislation enacted by the General Assembly in 1959 included a measure described as a milestone in the history of public education in Indiana — a plan for local communities to survey their public school systems and reorganize them into more efficient units. In other significant action, the legislature ordered a thorough overhauling of indefinite procedures for assessment of personal property, placing such assessment at 33 1/3 percent of true cash value.

DECADE OF THE 1960s

Population Becomes 11th Largest

Indiana entered the decade of the 1960s as having the country's eleventh largest population (twelfth in 1950) and with growth pressures centering on urban areas, public education and the state's network of highways and streets. The General Assembly in 1961 enacted a deficit budget which had the effect of delaying until 1963 any decision on major tax legislation and a greater level of state financial support to local schools.

Matthew E. Welsh, who became the state's 41st governor while the 1961 legislature was in session, won enactment of a measure creating a Department of Administration concentrating within the new agency important business functions of state government — personnel, purchasing, public works and supply, property management and data processing. Also enacted was legislation reorganizing and streamlining the administration of the state highway system, and creating an Indiana Port Commission for the planning, financing and construction of a public deepwater port on Lake Michigan. The latter development came as completion of the St. Lawrence Seaway opened Lake Michigan to ocean-going vessels. The Port Commission replaced a State Board of Public Harbors and Terminals created many years before, with one of its objectives then being the establishment of such a port.

New Tax Structure

The first major change in the tax structure of Indiana state government in 30 years was enacted in 1963 at a "marathon" session of the General Assembly which ran 101 days (including a 40-day special session) and also was complicated by the long-deferred problem of legislative reapportionment. Deficit budgets over recent years had threatened to deplete the state general fund's free balance, and services for the state's growing population were demanding a higher level of public spending, mainly for the support of public education.

The gross income tax, which had been the state's major revenue source since 1933, was supplemented by enactment of a 2 percent gross retail sales tax and a 2 percent adjusted gross income tax on individuals and corporations.

Acting in the field of civil rights, the legislature expanded the state's long-standing fair employment practices safeguards by extending to the Indiana Civil Rights Commission the authority to issue "cease and desist" orders — subject to court review and enforcement — in cases of employment discrimination based on race or creed. The authority also covered education and public accommodations.

Soaring '65

With the economy at a high peak and producing increased state tax revenues, the 1965 legislative session expanded its financial support of local public schools and the four state universities. For the first time, state funds were granted to help finance kindergartens. A new Department of Natural Resources was created out of the Conservation Department and allied activities.

The state's Department of Commerce was given greatly increased funds to work toward developing the Indiana economy through new and expanding industry and the attraction of tourists to Indiana. Companion legislation, including a measure to allow cities and towns to issue revenue bonds to construct facilities for lease or purchase by industries, was designed to foster economic growth. Some \$25 million was made available to the Port Commission to initiate construction of the long-proposed Lake Michigan public port at Burns Ditch.

Civil rights legislation was extended into the field of housing. (See Civil Rights Commission.)

While the 1965 legislature was in session, a U.S. District Court held an apportionment of legislative seats enacted by the 1963 session was invalid under terms of a U.S. Supreme Court decision. A new apportionment was approved in 1965 to be ef-

fective for the elections of 1966. (See discussion and maps in State Legislature section.) Indiana Congressional districts also were revised to make them more nearly equal in population. (See Congressional Districts, Indiana.)

Tax-Sharing Plan Adopted

"Property tax relief" became a major subject in the 1967 General Assembly as enrollments and costs of local schools and other local governmental expenditures continued to rise. In addition to providing greatly increased appropriations from the State General Fund to help finance the schools, the General Assembly for the first time adopted the principle of sharing a specific percentage of state-collected revenues with the local units of government. Legislation provided that 8 percent of the state adjusted gross income tax and 8 percent of the state sales tax would be returned to the county from which the revenue is collected, for distribution to the governmental units within the county.

Another innovation was enactment for the first time of a law which required, beginning in 1969, the annual inspection of all motor vehicles for safety purposes. It was provided that the program be administered jointly by a State Department of Vehicle Inspection and the Indiana State Police.

In the face of a continuing need for employees with special skills and to provide better employment opportunities for Hoosiers, the Indiana Vocational Technical College, established in 1963, was given substantially greater funds to expand its post-high school training programs.

Efficiency Plan Inaugurated

Early in the administration of Governor Edgar D. Whitcomb, in 1969, there was created by a group of Indiana businessmen, at the governor's request, a privately financed non-profit corporation entitled the Governor's Economy Program, Inc. Its purpose was to seek methods of achieving economy and greater efficiency in Indiana government and its various administrative departments. A consulting research firm familiar with governmental operations was employed by the corporation to make a continuing survey of personnel and salary practices and report its findings to the governor.

The 1969 session of the General Assembly laid great stress upon the need for further acceleration of highway development in Indiana. To help finance acceleration of highway improvements, the state motor fuel tax rate was raised from 6 cents to 8 cents a gallon and registration fees for trucks and buses were increased.

DECADE OF THE 1970s

Indiana Acquires a Super City

With the merger of Indianapolis and Marion County, Indiana entered a new decade having a new distinction as the home of one of the nation's larger cities, both in area (388 square miles) and population (745,739). Legislation enacted by the 1969 General Assembly expanded the city boundaries to coincide with those of the county while integrating the two governmental structures into a single apparatus which was popularly dubbed "Unigov." (See City and Town Government.)

The 1970 federal census confirmed that the state's population had topped the 5 million mark. This rate of growth during the 1960-70 decade (11.4 percent) did not quite keep pace with the national average (13.3 percent) but was sufficient for Indiana to retain its quota of 11 representatives in Congress.

In 1970, Indiana voters approved a constitutional amendment allowing the legislature to fix the length and frequency of its sessions. The 1971 General Assembly then decided to meet annually instead of biennially, with 1972 to see the first regular session in an even-numbered year in more than a century. Also in 1971 a Commission on Higher Education was created; a comprehensive occupational health and safety law was enacted; the sale and use of detergents with a high phosphate content was banned; and Indiana became one of the first states to adopt the Uniform Consumer Credit Code.

Winds of Change: New Tax Structure

A need for further tax reform developed in the years following the 1963 revision of state taxation, owing in part to inflation and the increasing demand for governmental services. Tax analysts recommended that the state shift the total burden in ways calculated to ease the imbalance of over-reliance on local property taxes. In 1973, the General Assembly enacted a new program which doubled the sales tax, made substantial increases in both business and individual income taxes and introduced optional local income taxes. The program provided for reduction by at least 20 percent in local property taxes and set up controls to prevent property tax rate increases.

The tax package was accomplished under Gov. Otis R. Bowen, a Republican elected in 1972. Voters in that election also approved a constitutional amendment which allows the governor of Indiana to be elected to a second consecutive term. (Bowen was re-elected in 1976.)

In that same year the legislature created an Environmental Management Board to develop regulations and coordinate the state's anti-pollution activities. In another move carrying potential for social change, the General Assembly in 1973 reduced to 18 the age of adulthood for most activities while holding at 21 the legal age for use of alcoholic beverages.

A bonus for veterans of the Vietnam conflict also was enacted in 1973. Estimated to cost \$13.5 million, the bonus provided for payments of from \$200 to \$600 to some 60,000 Hoosier veterans (or their next of kin).

New Styles in The Political Arena

Legislation in the mid-1970s opened the political processes to greater public participation. In 1975 the legislators took from

political parties the right to nominate candidates for governor, lieutenant governor and U.S. senator in convention and decreed that such nominations henceforth will be by direct primary.

The General Assembly had in 1973 passed a measure to recognize and regulate collective bargaining by elementary and secondary school teachers, while banning strikes. In 1975 such regulation was extended to most other public employees, excluding policemen and firemen and some health and university personnel.

The state also threw off a vestige of the horse-and-buggy days by abolishing the offices of justice of the peace and constable and eliminating JP courts. A new county court system was established to handle small claims and misdemeanors.

Indiana in 1976 adopted a new penal code making many changes in the state's criminal laws, including a shift from indeterminate to determinate sentencing. The 1977 legislature ratified the Equal Rights Amendment. The lawmakers also enacted a new pension system for police and fire departments in order to ease the financial burden for municipalities throughout the state. Additional pension reforms were made in 1979 in a session that brought new property tax controls, the beginning of a 15-year phaseout on the intangibles tax, and modernization of the inheritance tax.

DECADE OF THE 1980s

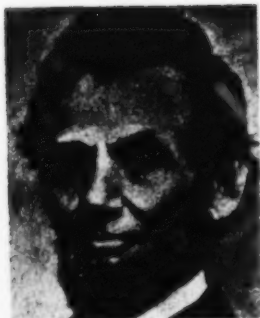
Ushered in by a Recession

As Indiana entered the 1980s the skies were darkened by threatening economic clouds. The recession hit Indiana hard (and its Great Lakes neighbors, Michigan, Ohio and Illinois, as well) because so many of its jobs were tied to the manufacture of steel, vehicles and appliances. Recovery was painfully slow, stretching into mid-decade. Declining tax revenues pinched the general fund and caused belt-tightening at the state level.

The governor elected in 1980, Robert D. Orr, and his lieutenant governor, John M. Mutz, instituted an ambitious program of economic development with emphasis on technology and the encouragement of innovative businesses for more diversified employment. In December of 1982, the financial pinch was eased by a special session of the General Assembly. Legislators raised the individual income tax, increased the sales tax and suspended for two years the phaseout of the corporate gross income tax.

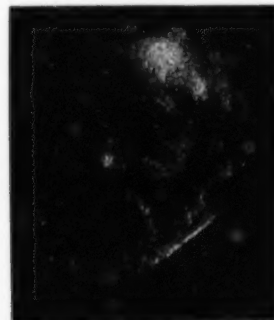
Orr and Mutz were re-elected in 1984 as the state was recovering economic stability. Revenues were high enough in 1985 to permit the legislature to put \$165 million into a Rainy Day Fund to be available for use in the event of a future recession.

Meanwhile, educational improvement became a new priority. The General Assembly passed a series of laws for school reform and in 1987 created new revenues to finance a longer school year, standardized testing for both teachers and students and a number of other measures aimed at classroom excellence.



ABRAHAM LINCOLN

Hoosiers in Government



BENJAMIN HARRISON

□ Inscribed below a stone statue of former President Benjamin Harrison which stands in Indianapolis' University Park are the words, "Great lives do not go out — they go on."

Some men become great because of the urgency of the times in which they live and the course of events placing them in position to guide the destinies of many people. But history has draped the mantle of greatness on but few of the many persons who have risen to high office in government.

Abraham Lincoln, president of the United States during the Civil War, is honored as one of only two presidents whose birthdays are observed as national holidays. Harrison served in the White House during less eventful times, but his admirers have recognized his stature in the inscription quoted above.

Many Hoosiers have served in the councils of the mighty in government and politics. So many Indianans have served as or been nominated for vice president of the United States that Indiana has been called "Mother of vice presidents."

Presented here is an honor roll of Indiana persons who have achieved governmental or political careers. In the main, the list is based upon a "Hoosier Hall of Fame" compiled by historian Richard S. Simons and written for the Indianapolis Star's Sunday Magazine (no longer published).

Those cited were either born in Indiana or associated with the state during important periods of their lives.

Presidential Timber

Eugene V. Debs (1855-1926), Terre Haute — Labor leader and Socialist Party candidate for president in 1900, 1904, 1908, 1912, and 1920.

J. Frank Hanly (1863-1920), Williamsport — Indiana governor, 1905-09, Republican, and Prohibition Party candidate for president in 1916.

Benjamin Harrison (1833-1901), Indianapolis — Civil War brigadier general; Republican candidate for Indiana governor in 1876; United States senator from 1881-87, and 23rd president of the United States from 1889-93. His grandfather, William Henry Harrison, was ninth president, and his great-grandfather, Benjamin Harrison, was a signer of the Declaration of Independence.

William Henry Harrison (1773-1841), Vincennes — A major general in wars against British and Indians in early 1800's; Indiana Territorial governor, 1800-13; former U.S. senator from Ohio and ninth president of the United States (Whig) in 1841, dying only 31 days after inaugural.

Abraham Lincoln (1809-1865), Gentryville — Sixteenth president of the United States (Republican), serving 1861-65. Earlier he was a member of Congress and the Illinois General Assembly. His family moved from Kentucky to Spencer County, near Gentryville, Ind., when he was 7 years old and moved to Illinois when he was 21 years old.

John P. St. John (1833-1916), Brookville — Native of Indiana, he moved after the Civil War to Kansas where he was governor 1879-83; Prohibitionist candidate for president in 1884.

Wendell L. Willkie (1892-1944), Elwood — Republican presidential nominee in 1940; former president of Commonwealth & Southern Corporation; author of *One World*.

John Zahnd (1877-1961), Indianapolis — Champion of the Greenback Party as presidential candidate in every election from 1924 through 1940; later served the party as national chairman.

Vice Presidential Nominees

Schuyler Colfax, South Bend — Newspaper editor; Republican member of Congress, 1854-68, with service as House speaker during last two terms; vice president under President Grant, 1869-73.

William H. English, Scottsburg and Indianapolis — Banker, congressman, secretary to 1850-51 state constitutional convention, and Democratic nominee for vice president in 1880.

Charles W. Fairbanks, Indianapolis — Newspaper publisher; Republican U.S. senator elected in 1897; vice president under Theodore Roosevelt, 1905-09, and vice presidential nominee with Charles E. Hughes in 1916.

Thomas A. Hendricks, Shelbyville and Indianapolis — Indiana congressman, 1852-55; elected to U.S. Senate in 1863; Indiana governor, 1873-77; Democratic vice president under Cleveland, 1885-89.

George W. Julian, Centerville — Congressman in 1849-51 and 1861-71, Free Soil nominee for vice president in 1852, and surveyor-general of New Mexico, 1885-89. When congressman, presented in 1868 the first resolution calling for an amendment giving women the right to vote.



SCHUYLER COLFAX



THOMAS A. HENDRICKS



CHARLES W. FAIRBANKS



THOMAS R. MARSHALL

John W. Kern, Indianapolis — Democratic U.S. senator, 1911-17; Senate majority leader, 1913-17; vice presidential nominee on the ticket with William Jennings Bryan in 1908.

Joseph Lane, Warrick County — Served in the Indiana General Assembly 1822-46; governor of Oregon Territory, 1849-51, then territorial delegate to Congress; first U.S. senator from Oregon; Democratic candidate for vice president in 1860.

Granville B. Leake, South Bend — Greenback Party candidate for vice president in 1948 as the running mate of John G. Scott, of New York.

Thomas R. Marshall, North Manchester and Columbia City — Indiana governor, 1909-13, and Democratic vice president under Wilson for two terms, 1913-21.

Samuel Wardell Williams, Vincennes — Prominent attorney and People's (Populist) Party candidate for vice president in 1908 with Thomas E. Watson, of Georgia. Elected to the Indiana House in 1882 and 1884.

Governmental Service

E. Ross Adair, Fort Wayne — Republican member of Congress, 1951-71; ambassador to Ethiopia, 1971-74.

Joseph W. Barr, Indianapolis — U.S. representative, 1958-60; special assistant to Secretary of Treasury, 1961-64; chairman, Federal Deposit Insurance Corporation, 1964-65; Under Secretary of the Treasury, 1965-68; Secretary of the Treasury, Dec. 1968-Jan. 1969.

Albert J. Beveridge, Indianapolis — Famed orator, Pulitzer Prize-winning political historian (1916), and Republican U.S. senator, 1899-1911.

Otis R. Bowen, Bremen — Two-term Republican governor of Indiana (1973-1980) following service in the Indiana House where he became Speaker; Secretary of Health and Human Services, 1985-.

Claude G. Bowers, Indianapolis and Terre Haute — Journalist, political historian and biographer; U.S. ambassador to Spain (during Civil War there) and to Chile.

Earl L. Butz, Albion — Assistant Secretary of Agriculture, 1954-57; dean, School of Agriculture, Purdue University, 1957-68; dean of continuing education, Purdue University, and vice president, Purdue Research Foundation, 1968-71; Secretary of Agriculture, 1971-76.

James J. Davis, Elwood — Secretary of Labor under Presidents Harding, Coolidge and Hoover, 1921-29, and U.S. senator from Pennsylvania.

Edwin Denby, Evansville — Secretary of the Navy under Presidents Harding and Coolidge, 1921-24.

John W. Foster, Pike County — Secretary of State under President Benjamin Harrison; ambassador to Russia, Spain and Mexico, and grandfather of John Foster Dulles, Secretary of State under President Eisenhower.

Walter Q. Gresham, Lanesville — Postmaster General under President Arthur, 1883; Secretary of Treasury under Arthur in 1884, and Secretary of State under President Cleveland in 1893.

Charles A. Halleck, Rensselaer — Republican member of Congress, 1935-68; House minority leader, 1959-64, and House majority leader in 1947-48 and 1953-54.

Edward A. Hannegan, Covington — U.S. senator, 1843-49; minister to Prussia under President Polk in 1849.

Clifford M. Hardin, Knightstown — Secretary of Agriculture, 1969-71.

John Hay, Salem — Lincoln's secretary and biographer, and Secretary of State under Presidents McKinley and Theodore Roosevelt, 1898-1905. Ambassador to Court of St. James.

Will H. Hays, Sullivan — Postmaster General under President Harding in 1921, Republican national chairman in 1920, and president of Motion Picture Producers and Distributors of America (so-called movie czar), 1922-45.

Maj. Gen. Lewis B. Hershey, Angola — Director of U.S. Selective Service System, 1941-70.

George W. McCray, Evansville — Secretary of War under President Hayes, 1877-79.

Hugh McCulloch, Fort Wayne — Secretary of Treasury under Presidents Lincoln, Johnson and Arthur in 1865 and in 1884.

Robert H. McKinney, Indianapolis — Chairman, Federal Home Loan Bank Board, 1977-1979.

Paul V. McNutt, Franklin and Bloomington — Dean of Indiana University Law School; Democratic Indiana governor, 1933-37; commissioner to the Philippines; candidate for Democratic vice presidential nomination in 1940, and World War II administrator of Federal Security Administration.

William H. H. Miller, Fort Wayne and Indianapolis — Attorney General under President Benjamin Harrison, 1889-93.

Sherman Minton, Georgetown — Democratic U.S. senator and U.S. Supreme Court justice, 1949-56.

Oliver P. Morton, Centerville — Indiana governor during the Civil War, serving from 1861 to 1867, and U.S. senator, 1867-77.

Harry S. New, Indianapolis — Journalist, U.S. senator 1917-23, and Postmaster General under Presidents Harding and Coolidge, 1923-29.

Richard L. Roudebush, Noblesville — VFW National Commander, 1957-58; U.S. Representative, 1960-70; head (administrator) of U.S. Veterans' Administration, 1974-77.

William D. Ruckelshaus, Indianapolis — U.S. Assistant attorney general, 1969-70; administrator, federal Environmental Protection Agency, 1970-73 and 1983-85; acting director, Federal Bureau of Investigation, April-July, 1973; U.S. deputy attorney general, 1973-74.

Caleb B. Smith, Connersville — Secretary of Interior under Lincoln, 1861-63.

Lt. Gen. Walter Bedell Smith, Indianapolis — Chief of Staff, SHAEF, Europe, 1944-45; Under Secretary of State and ambassador to Russia under Truman and Eisenhower.

Richard W. Thompson, Terre Haute — Secretary of the Navy under President Hayes, 1877-80.

James P. Tyner, Brookville — Postmaster General under President Grant, 1876.

John P. Usher, Terre Haute — Secretary of Interior under Lincoln and Johnson, 1863-65.

Willis Van Devanter, Marion — U.S. Supreme Court Justice, 1911-37.

Daniel W. Voorhees, Terre Haute and Fountain County — Famed orator and Democratic U.S. senator, 1877-97.

INDIANA GOVERNORS FROM 1816 TO PRESENT

Jonathon Jennings	1816-1822	Jeff. Rep.	J. Frank Hanly	1905-1909	Republican
Ratliff Boon	1822		Thomas R. Marshall	1909-1913	Democrat
	(Sept. 12-Dec. 5)	Democrat	Samuel M. Ralston	1913-1917	Democrat
William Hendricks	1822-1825	Democrat	James P. Goodrich	1917-1921	Republican
James B. Ray	1825-1831	Non-Partisan	Warren T. McCray	1921-1924	Republican
Noah Noble	1831-1837	Whig	Emmett Forest Branch	1924-1925	
David Wallace	1837-1840	Whig		(Apr. 30-Jan. 12)	Republican
Samuel Bigger	1840-1843	Whig	Ed Jackson	1925-1929	Republican
James Whitcomb	1843-1848	Democrat	Harry G. Leslie	1929-1933	Republican
Paris C. Dunning	1848-1849	Democrat	Paul V. McNutt	1933-1937	Democrat
Joseph A. Wright	1849-1857	Democrat	M. Clifford Townsend	1937-1941	Democrat
Ashbel P. Willard	1857-1860	Democrat	*Henry F. Schricker	1941-1945	Democrat
Abraham A. Hammond	1860-1861	Democrat	Ralph F. Gates	1945-1949	Republican
Henry Smith Lane	1861		*Henry F. Schricker	1949-1953	Democrat
	(Jan. 14-16)	Republican	George N. Craig	1953-1957	Republican
*Oliver P. Morton	1861-1867	Republican	Harold W. Handley	1957-1961	Republican
*Conrad Baker	1867-1873	Republican	Matthew E. Welsh	1961-1965	Democrat
Thomas A. Hendricks	1873-1877	Democrat	Roger D. Branigin	1965-1969	Democrat
James D. Williams	1877-1880	Democrat	Edgar D. Whitcomb	1969-1973	Republican
*Isaac P. Gray	1880-1881		*Otis R. Bowen	1973-1980	Republican
	(Nov. 20-Jan. 10)	Democrat	*Robert D. Orr	1981-	Republican
Albert G. Porter	1881-1885	Republican			
*Isaac P. Gray	1885-1889	Democrat			
Alvin P. Hovey	1889-1891	Republican			
Ira Joy Chase	1891-1893	Republican			
Claude Matthews	1893-1897	Democrat			
James A. Mount	1897-1901	Republican			
Winfield T. Durbin	1901-1905	Republican			

*Under the present Constitution, three governors — Oliver Morton, Conrad Baker and Isaac Gray — were elected after serving out the remainder of a predecessor's term. Henry Schricker was elected twice; Otis Bowen and Robert Orr were elected twice consecutively.



SCHRICKER



GATES



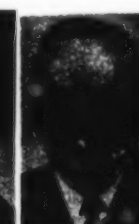
CRAIG



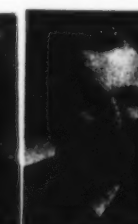
HANDLEY



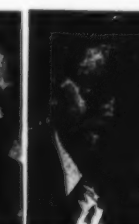
WELSH



BRANIGIN



WHITCOMB



BOWEN



ORR

James E. Watson, Winchester and Rushville — U.S. representative and senator for 35 years serving until 1933, with three terms as Senate Republican floor leader; Republican nominee for Indiana governor in 1908.

Matthew E. Welsh, Vincennes and Indianapolis — Governor, 1961-65; chairman of U.S.-Canada International Joint Commission, 1965-70.

James A. Whitcomb, Bloomington and Terre Haute — Governor, 1843-48; commissioner of General Land Office under Presidents Jackson and Van Buren, 1836-41.

Claude R. Wickard, Camden — World War II Secretary of Agriculture under President Franklin D. Roosevelt, 1940-44, and Rural Electrification Administration administrator.

Harvey W. Wiley, Kent — Chief chemist of Department of Agriculture, 1883-1912, and chiefly responsible for 1906 Federal Pure Food and Drug Act.

Joseph A. Wright, Parke County — Governor, 1849-57; minister to Prussia, 1857-61 and 1865-67.



FLAG

FLOWER



BIRD

TREE



STATE SEAL

Facts about Indiana

POPULATION — 5,500,000 (1980 Census). Population rank in U.S.: 12th.

AREA — 36,185 square miles, including 253 square miles of water. Length, 275 miles; breadth, 144 miles. Rank in U.S., 38th. Highest altitude, 1,257 feet in Wayne County; lowest altitude, 320 feet in Posey County.

CLIMATE — Four distinct seasons. Average temperature in July ranges from 63 to 86 degrees Fahrenheit; January ranges from 17 to 35 degrees Fahrenheit. Record high: 116 degrees at Collegeville in 1936. Record low: 35 below zero at Greensburg in 1951. Average annual precipitation is 40 inches.

PERSONAL INCOME — Total personal income of Hoosiers in 1986 was \$71.9 billion, according to the U.S. Dept. of Commerce; Indiana ranked 15th in total income. Per capita income for 1986 (preliminary figure) was \$12,944, ranking Indiana 32nd among the 50 states.

STATE CAPITAL — Indianapolis (combination of Indiana and Greek word "polis" meaning city — thus, Indianapolis is the "city of Indiana").

STATE MOTTO — The Crossroads of America. Adopted 1937.

STATE FLOWER — Peony. Adopted 1957.

STATE TREE — Tulip tree (yellow poplar). Adopted 1931.

STATE BIRD — Cardinal. Adopted 1933.

STATE SONG — "On the Banks of the Wabash, Far Away," by Paul Dresser. Adopted 1913.

STATE POEM — "Indiana," by Arthur Franklin Mapes, Kendallville. Adopted 1963.

STATE STONE — Indiana limestone. Adopted 1971.

STATE SEAL — The seal depicts a pioneer scene — a woodsman felling a tree, a buffalo fleeing from the sound of the axe and the sun gleaming over a distant hill. In use since 1801, the seal was officially adopted in 1963.

STATE FLAG — The Indiana flag displays 19 gold stars surrounding a gold torch centered on a rectangular field of blue. The torch stands for liberty and enlightenment. Thirteen stars in the outer circle represent the 13 original states; the five in the inner arc the five states next admitted to the Union. The star above the torch stands for Indiana, the 19th state. Adopted 1917.

STATE NAME — The name Indiana means "land of the Indians." It was coined in 1800 when Congress carved the new state of Ohio from the Northwest Territory and designated the remaining vast area as the Indiana Territory. The territorial name was retained when Indiana became a state in 1816.

NICKNAME — The nickname for someone of Indiana birth or long residency is "Hoosier," a word whose origin has never been determined. Some have said it stemmed from the pioneer custom of greeting night callers with, "Who's yere?" Others claimed it came from "hoosier men," referring to laborers for an early-day Indiana contractor named Sam Hoosier. Still others traced the word to the term "husher," meaning a river boat worker strong enough to "hush" any challenger, or to "hoozer," a dialect word meaning hill-dweller.

Cities and Towns

Indiana is 64 percent urban and 36 percent rural, meaning that some two-thirds of all Hoosiers now live in cities or towns of more than 2,000 population.

Indianapolis, the capital, has a population of 765,233 (1980 census). It is one of the nation's larger cities not located on navigable water. The next five largest cities in the state (along with their populations) are: Fort Wayne (172,196); Gary (151,953); Evansville (130,496); South Bend (109,727); and Hammond (93,714). There are 13 additional cities with a population of at least 35,000.

Indiana has 115 cities, each governed by a mayor and city council, and 450 towns (normally under 2,000 population) which are governed by boards of town trustees.

Industry

Indiana is the tenth largest manufacturing state. Its 8,065 manufacturing plants produced \$63.6 billion worth of goods in 1982. Indiana's 602,800 manufacturing employees earn more than \$16 billion a year.

Indiana is the largest steel producing state, and is third in the manufacturing of motor vehicle parts. Other major Hoosier products include manufactured housing, recreational vehicles, caskets, pharmaceuticals, musical instruments, book printing, small electric motors, sweetening syrups and whiskey.

Mineral Resources

Among the 50 states, Indiana ranks 25th in the value of minerals produced. Fuels and other minerals produced in Indiana were valued at more than \$1 billion in 1986. Coal is the most economically important commodity, accounting for 77 percent of the total value of mineral production in the state. Most of this coal is used for generating electricity. At current rate of mining, Indiana's supply of coal is enough to last for more than 400 years.

Other major mineral commodities are crushed limestone, petroleum, sand and gravel. Indiana's specialty in the field of mineral resources is construction limestone. Two-thirds of all the building limestone quarried in the United States comes from Lawrence and Monroe counties. In addition, gypsum, clay and shale, and the products manufactured from these and other mineral resources (such as brick, clay, tile and wallboard) contribute substantially to the state's economy.

Agriculture

Highly industrialized Indiana is also a major agricultural state despite its relatively small size. There are 78,000 farms in the state with an average of 208 acres per farm. The state has 16.2 million acres of farmland, which is 70 percent of all land in Indiana. Some 27 percent of the state's agricultural production is exported.

Corn is the state's principal crop. Production in 1986 of 695 million bushels ranked the state fifth in the nation. Indiana also ranked fifth among the 50 states in the production of soybeans, fourth in hogs and second in chickens. Other major products: cattle, wheat, oats, tobacco, tomatoes, melons, peaches, apples and popcorn. Indiana, Nebraska and Iowa produce most of America's popcorn, with Indiana sometimes being first and sometimes second in production of this crop.

Transportation

Indiana's motto, "The Crossroads of America," refers to its location on the paths of heavy commercial traffic within the U.S. Most east-west traffic north of the Ohio River, and much of the north-south traffic east of the Mississippi River, crosses some part of the state.

RAILWAYS: Indiana is served by all "Eastern" railroads and by others from the south and west. There are 6,000 miles of Class I track used in the state, of which 2,991 miles carry over five million tons of freight per mile a year.

HIGHWAYS: The fact that five of the nation's ten largest moving van companies are headquartered in Indiana reflects the state's central location for the movement of goods and people by highway. Indiana has 1,134 miles of completed interstate routes — more than any other state of comparable size. The interstates provide transportation to and from Indianapolis in seven directions; this concentration is one of the highest of its kind in the U.S. Within Indiana's borders there are 91,000 miles of highways and streets, on which there is no debt. Indiana operates its highway system on a pay-as-you-build basis; it does not issue state general obligation bonds to finance construction.

AUTOS AND TRUCKS: Motor vehicle registrations totaled 4,533,362 in 1986. Of these, 3,031,756 were passenger vehicles (a ratio of more than one car for every two persons). Apart from automobiles, in 1986 the state of Indiana registered 857,183 trucks plus 644,423 other vehicles, including 43,514 farm trucks, 44,899 road tractors, 276,318 trailers, 67,957 semi-trailers, 124,218 motorcycles and 3,371 school buses.

WATERWAYS: Indiana has three ports in operation. Burns Waterway Harbor, opened in 1970, is on the southern tip of Lake Michigan about 30 miles from Chicago. It has 11 ship berths and handled 1,283,607 million tons of freight in 1986. Indiana's second port, Southwind Maritime Centre, is 16 miles downstream from Evansville at Mount Vernon on the busy Ohio River. Southwind, which was completed in 1979, has 100 acres of port space and handled 4,053,243 million tons of shipping in 1986. The other Ohio River barge port, Clark Maritime Centre near Jeffersonville, opened in the fall of 1985 and in 1986 handled 594,818 tons of cargo.

AIRWAYS: Ten communities in Indiana have air carrier service. Nine major carriers and several commuter airlines serve the state. Indiana has 128 public use airports, and 545 airports altogether.

BUSES: Bus companies provide passenger and light freight service to every major Indiana community and many smaller towns on scheduled daily routes. The companies also provide

links to, or are part of, intercontinental systems which provide transportation to points in the U.S., including Alaska, and to Canada and Mexico.

Education

Indiana's primary and secondary public school systems had an enrollment of 964,885 pupils for 1986-87; the state's non-public school systems enrolled 104,599. There are 304 public school corporations in the state. State and local spending for education in fiscal 1986 was more than \$3.1 billion, with two-thirds of this directly and indirectly paid by state government.

Indiana's 43 institutions of higher education consist of 36 private colleges which had a 1986-87 fall enrollment of 50,642 and seven publicly supported institutions — six universities and a vocational-technical college — with a total enrollment (1986-87) of 220,854. The state has more than 100 private proprietary schools that provide vocational and occupational training.

Recreation

Prehistoric glaciers gouged out the basins that became more than 500 lakes in Indiana, creating recreational playgrounds for Hoosiers and tourists alike. In recent years, the water surface

area within the state has been more than doubled by the construction of reservoirs for flood control, water supply and recreation.

The largest of these is Monroe Reservoir in Brown, Jackson, Lawrence and Monroe counties. It impounds 10,750 acres of water — only slightly less than the 12,000 acres of water surface in all natural lakes and more than four times as much as in the largest natural lake, which is Wawasee at Syracuse (2,618 acres). The three-reservoir upper Wabash River project, consisting of Salamonie, Huntington and Mississinewa lakes, provides 6,965 acres of water surface area. More recently completed were another large reservoir and recreation project, Brookville Reservoir, and the reservoir-recreation area on the Patoka River in southwestern Indiana.

A total of 1.1 million acres of public and private land is used for outdoor recreation in Indiana.

Indiana is a home for professional basketball, football, hockey, and baseball teams. Popular annual sporting events in Indiana include the 500-Mile Race at Indianapolis Motor Speedway; the NHRA national drag races, the U.S. Clay Court Open Championship tennis tournament and the Mayflower LPGA golf tournament in Indianapolis; the Madison Regatta boat races on the Ohio River, the Hoosier Classic LPGA tournament at Plymouth, and the National Muzzle Loading Rifle Match at Friendship.

Hoosiers at Work

Ever play the game of sizing up someone and trying to guess how he or she makes a living? Farmer, merchant, secretary, professional person, factory worker?

If a representative cross section of all working Hoosiers could parade before you, you wouldn't have to guess to know this about their occupations:

Four of every ten working Hoosiers are employed in retailing, wholesaling or services.

Every fourth one works in manufacturing.

Every seventh one works for the government.

Your sampling of the Hoosier employed — who in 1986 numbered 2,565,000 — would tell you forcefully that Indiana is an industrial state. A further sampling would show that Indiana is also one of the more important agricultural states in the nation. Looking at the records, you would also see that the state's economy is diversified — as diversified as the many trades, crafts, professions and services at which Hoosiers work.

A good barometer of the economy of the state is the total personal income of individuals; this totaled \$71.9 billion for the state in 1986. The income for each person living in the state averaged \$12,944 (preliminary figure). Nationally, the average per capita income was \$14,461 in 1986. Of the 50 states, Indiana ranked 15th in total personal income. Eighteen percent of America's total personal income is earned by people in the five Great Lake states (including Indiana).

Of course, not everyone is considered a worker. Children, aged persons and many homemakers and students are not counted in the labor force — although the temporarily unemployed are counted.

A look at the ratio of Indiana labor force to the total state population in 1986 reveals that 50 out of every 100 Hoosiers held paying jobs. This means that the working half produced enough goods and services to support themselves and the other 50 percent who held no paying jobs.

Employment officials use a dictionary of work classifications which lists nearly 20,000 defined jobs from abrasive sanders to zoologists. Included in the latest listing are many occupations concerned with atomic energy and electronic data processing and technical occupations in research, design and development, directly supporting to engineers and physical scientists, reflecting new fields emerging as the result of technological change.

The Indiana Department of Employment and Training Services keeps Indiana industry informed on labor force fluctuations by reporting on employment in eight major work classifications, excluding agriculture. This agency has offices in almost 50 cities of the state. It reports figures monthly covering the size of the labor force, the number of employed and unemployed persons, and many other statistics of interest to those concerned about Indiana's labor force.

The Census of Manufactures, published every five years by the U.S. Department of Commerce, is another detailed source of information about Indiana's industries and the people who work in them.

INDIANA INDUSTRY GROUPS

1986 Average Employment

	Number of		Percent of
	Employed	Total	
TOTAL PAYROLL EMPLOYMENT	2,227,700	100.0	
Manufacturing	602,800	29.1	
Wholesale & Retail Trade	526,200	23.1	
Service & Misc.	427,900	18.2	
Government	342,600	15.5	
Fin., Ins. & Real Estate	110,500	4.9	
Transp. & Utilities	112,500	4.9	
Contract Construction	96,400	3.8	
Mining & Quarrying	8,900	.5	

Source: Labor Market Information & Statistical Services, Indiana Department of Employment and Training Services.

Manufacturing

The largest employer of Hoosier workers is manufacturing. The "value added by manufacture," which represents value of finished products less cost of raw materials and supplies, for Indiana industries for 1985 was \$33,461,200,000. This volume of manufacturing ranked Indiana tenth among the states.

Indiana is located in the middle of America's industrial heartland. Twenty-six percent of the nation's industrial production comes from the five Great Lakes states. Most manufacturing plants are small and medium-sized employers. Fewer than 100 of the 8,065 manufacturing plants in the state employ more than 1,000 workers.

Economists divide the manufacturing labor force into two major categories, those engaged in producing durable goods and those in nondurable goods. The durable goods category is the larger; in 1986 it accounted for 437,400, or 73 percent of persons employed in manufacturing. Primary metals (steel, etc.) once was the prime employer in this category, but at 66,400 jobs it now trails electrical machinery (87,100 jobs) and transportation equipment (84,700). Included in the electrical machinery category are household appliances, industrial apparatus, auto electric and lighting and telephones. Transportation equipment includes the manufacture of aircraft, auto parts, boats, buses and railroad equipment; automobile equipment and parts accounted for 50,100 jobs in this category.

Employed in the manufacture of nondurable goods are 165,400 persons, of whom some 40,600 work in rubber and plastics products, 34,100 work in the food industry and 33,400 work in the printing industry. The chemical industry provided 29,200 jobs in 1986; this area includes the drug and medicine field.

The magnitude and diversity of Indiana's industrial complex are demonstrated by the state's high rank in manufacturing of the following products:

FIRST in wood kitchen cabinets, vanities and other cabinet-work, cut limestone, asbestos friction materials, raw steel, copper and steel rods, bars and shapes, magnet wire, nonferrous wire drawing and insulating, roller bearings, measuring and dispensing pumps, fractional horsepower electric motors, vehicle lighting equipment, radio and TV receiving sets, engine electrical equipment, appliance wire and cord sets, travel trailers and campers, musical instruments, and burial caskets.

SECOND in sweetening syrups, window shades and accessories, book printing, molded and extruded lathe cut rubber mechanical products, packing and sealing devices, cold rolled steel sheet and strip, wire rope, cable and strand, extruded aluminum rods, bars and shapes, plumbing fittings and brass goods, non-electric heating equipment, container closures, steel springs, plumbing and heating valves, parts for consumer riding lawn and garden equipment, assembly machines, plain bearings and bushings, mechanical power transmission equipment, household refrigerators and freezers, telephone apparatus, electronic resistors, truck, bus and other vehicle bodies, motor homes, military tank components, and whiskey.

THIRD in wet corn milling, soybean oil, mobile homes, wood living room furniture, respiratory pharmaceuticals, plastic electronics products, motor vehicle hardware, parts for internal combustion engines, commercial food products machinery, ball and roller bearing components, propeller and axial fans, speed changers, drives and gears, compressors, storage batteries, motor vehicle parts, aircraft engines and engine parts, heavy truck trailers and outboard boats.

FOURTH AND FIFTH RANKED in producing wood office furniture, pharmaceuticals, human vitamins and nutrients, gypsum products, metal fence and gates, metal flooring and siding, automotive stampings, metal fittings and flanges, precision mechanical springs, metalworking presses, special dies, tools and jigs, communication equipment, and surgical appliances.

Retailing and Wholesaling

The largest employers of Hoosiers other than manufacturers are wholesale and retail establishments. Of the 526,200 persons employed in these fields in 1986, retail trade accounted for 413,700 while wholesalers employed 112,600. Typical of retail employers are eating and drinking places, grocery stores and department stores. Retail sales in the state during 1986 were approximately \$37 billion.

Personal and Business Services

Another important work group performs services to keep manufactured products in repair or provides special personal or business services. Employed in this growing category in Indiana during 1986 were 427,900 persons.

Government

Government is Indiana's fourth largest employer. The number of federal, state and local governmental employees in Indiana during 1986 was 342,600, or 17.2 percent of the total number of persons employed in the state. Figures show that Indiana has fewer public employees per capita than do most other states. Forty-four states have more state and local government employees in relation to the total population than does the Hoosier state. Half of the government workers are employed in the field of education in local schools and state universities.

Agriculture

Hoosier farmers, through mechanization and specialization, continue to increase their efficiency. Although fewer in number, they produce more food and fibre each year than ever before.

Total 1986 cash farm receipts, excluding government payments, were \$4.1 billion, ranking Indiana tenth in the nation. Of this income, sale of crops brought Indiana farmers \$2.26 billion, and the sale of livestock and livestock products added \$1.85 billion (45 percent).

Production of corn in 1986 of 695 million bushels ranked Indiana as the fifth largest corn-producing state in the nation. In 1986 Indiana ranked fifth among the 50 states in the production of soybeans, fourth in hogs and second in chickens. Indiana has often ranked first in the production of popcorn, growing nearly one-third of America's total. The other major grower of popcorn is Nebraska.

In 1986, corn was again the leading income producer, with 29 cents of each dollar of the farmer's sales income coming from that source. The remainder of the farmer's dollar came from the following: soybeans, 19 cents; hogs, 19 cents; cattle, 8 cents;

dairy, 7 cents; eggs, 7 cents, and other products, 11 cents. The average Indiana farmer has more than \$193,000 invested in his land and buildings (down from \$250,000 in 1984).

According to the Indiana Agricultural Statistics Service at Purdue University, there were 78,000 farms being operated in Indiana in 1986. Total land in farms in the state that year was 16.2 million acres, with the average size of farms estimated to be 208 acres. The overwhelming majority of farms in the state are owned by individuals and families rather than publicly-owned corporations. Value of Indiana farmland averaged \$931 per acre as of Feb. 1, 1987.

While most of Indiana's agricultural products are consumed within the U.S., a substantial portion goes into foreign trade — 27 percent of the value of 1986 farm marketings. Indiana agricultural exports totaled \$1 billion in 1986, ranking the state eighth in the nation.

Transportation, Communications, Utilities

The field of transportation, communications and public utilities is another with extensive employment in Indiana. In 1986, employees in this area numbered 112,500. As the "Crossroads of America," the state is a center for railroads, truck lines, bus lines and airlines, as well as inland waterways. Transportation, according to the state employment agency, employed 66,800 persons in 1986. Trucking is the largest single employer in the transportation classification with 44,600 employees. Five of the nation's ten largest moving van companies have their headquarters in Indiana. The communications field provided jobs for 22,800 and the utilities, such as gas, electric, and water companies, employed some 22,900.

Construction

The building of factories, homes, schools, roads and bridges also is a big business in Indiana. As reported by the *Construction Digest*, an Indiana publication specializing in construction and engineering statistics, the dollar amount of construction in Indiana during 1986 was \$5.4 billion, and some 96,400 workers were

employed in Indiana's construction trade during the same year. The construction included the building of homes, factories, schools, roads and bridges, hospitals, churches and countless other projects.

Finance, Insurance and Real Estate

In 1986, an average of 110,500 persons worked in the areas of finance, insurance and real estate in Indiana. These included employees of banks, savings and loan associations and other lending institutions. For a number of years, Indiana has been a leading insurance center. There are currently 114 life, property, casualty and surety companies with home offices in Indiana. Two of these are among the 50 largest insurance companies in America. Indiana ranks sixth among all states in the number of home offices of life insurance companies. There are 52 farm mutual insurance companies headquartered in the state. Real estate companies and security and commodity brokers also employ a significant number of Hoosiers.

Mining and Quarrying

While primarily an industrial and agricultural state, Indiana ranks in the middle of the list of states in mineral production. Employees in the vital industry of mining and quarrying, including crude petroleum production workers, coal and gypsum miners and workers in gravel pits and stone quarries, totaled 8,900 persons in 1986.

Indiana limestone is one of the best known and most widely used building materials in the nation. The state produces about two-thirds of the building limestone quarried in the United States. Other limestone products are crushed stone and cement. The sand and gravel industry thrives in Indiana. The value of sand, gravel and building stone produced in Indiana is higher than the value of silver ore mined in the nation's biggest silver-mining state. Clay and shale and the making of brick, tile and other products from them, provides substantial employment for Hoosier workers, as do the plaster and wallboard industries associated with gypsum.

Coal, petroleum, and a small amount of natural gas are the three mineral fuels produced in the state.

INDIANA'S OFFICIAL STATE POEM

By Arthur Franklin Mapes, Kendallville

God crowned her hills with beauty,
 Gave her lakes and winding streams,
 Then He edged them all with woodlands
 As the settings for our dreams.
 Lovely are her moonlit rivers,
 Shadowed by the sycamores,
 Where the fragrant winds of Summer
 Play along the willowed shores.
 I must roam those wooded hillsides,
 I must heed the native call,
 For a pagan voice within me
 Seems to answer to it all.
 I must walk where squirrels scamper
 Down a rustic old rail fence,

Where a choir of birds is singing
 In the woodland, green and dense.
 I must learn more of my homeland
 For it's paradise to me,
 There's no heaven quite as peaceful,
 There's no place I'd rather be.
 Indiana is a garden
 Where the seeds of peace have grown,
 Where each tree, and vine, and flower
 Has a beauty all its own.
 Lovely are the fields and meadows,
 That reach out to hills that rise
 Where the dreamy Wabash River
 Wanders on . . . through paradise.

(Adopted by 1963 General Assembly)

INDIANA STATE SONG

On The Banks Of The Wabash, Far Away

Words and Music by
PAUL DRESSER

REFRAIN

Oh, the moon - lights fair to - night a - long the Wa - bash, From the
 fields there comes the breath of new mown hay. Thro' the
 syc - a - mores the can - die lights are gleam - ing, On the
 banks of the Wa - bash, far a - way.

(written in 1897, the state song was officially adopted by the
 1913 General Assembly.)

The Origins of the Counties

□ Indiana's counties had their inception in the famous Ordinance of 1787, which created the vast Northwest Territory.

Under that document, the territorial governor was directed to "proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature."

The actual incentive toward the creation of counties in the new territory came in 1785, when the Continental Congress provided for the survey and sale of public lands and directed that the land be divided into areas six miles square. These now are known as townships.

The county, however, was derived from England and was a unit of government along the Atlantic Seaboard before the territory west of the Alleghenies began to fill with settlers.

Under the Ordinance of 1787, the Northwest Territory governor, Arthur St. Clair, organized Knox County in 1790, the first local governmental unit in what later was to become Indiana. By proclamation, the Indiana Territory governor, William Henry Harrison, created Clark County in 1801 and Dearborn County in 1803. Harrison County, established in 1808, was the first to be created by legislative act.

Before Indiana was admitted to statehood in 1816, however, Franklin, Gibson, Jackson, Jefferson, Knox, Orange, Perry, Posey, Switzerland, Warrick, Washington and Wayne counties had been established.

Neither the state's first Constitution of 1816 nor that of 1851 contains any direct authorization for the organization of counties; their creation seems to have been taken for granted. There is, however, frequent reference to county officers in the two constitutions, which indicates that the form of local government was permanently established in the minds of the framers of the two documents.

Inasmuch as most of the original counties embraced wide areas of the new territory, the first Constitution, to protect the parent counties, felt impelled to provide that "the general assembly, when they lay off any new

The Hoosier Counties . . . How They Got Their Names

	Origin of Name	Date of Organization	County Seat
Adams	President John Quincy Adams	March 1, 1836	Decatur
Allen	Colonel John Allen of Kentucky	April 1, 1824	Ft. Wayne
Bartholomew	Gen. Joseph Bartholomew, U.S. Senator	Feb. 12, 1821	Columbus
Benton	Thomas H. Benton, U.S. Senator	Feb. 18, 1840	Fowler
Blackford	Judge Isaac Blackford	Feb. 18, 1839	Hartford City
Boone	Daniel Boone	April 1, 1831	Lebanon
Brown	Gen. Jacob Brown of War of 1812	April 1, 1836	Nashville
Carroll	Charles Carroll of Maryland	May 1, 1828	Delphi
Cass	Gen. Lewis Cass, Governor of Michigan	April 13, 1829	Logansport
Clark	Gen. George Rogers Clark	Feb. 3, 1801	Jeffersonville
Clay	Henry Clay	April 1, 1825	Brazil
Clinton	DeWitt Clinton, Governor of New York	March 1, 1830	Frankfort
Crawford	Col. William Crawford	March 1, 1818	English
Daviess	Col. Joseph H. Daviess	Feb. 15, 1817	Washington
Dearborn	Gen. Henry Dearborn, Secretary of War	March 7, 1803	Lawrenceburg
Decatur	Commodore Stephen Decatur	March 4, 1822	Greensburg
DeKalb	Baron DeKalb	May 1, 1837	Auburn
Delaware	Delaware Indian tribe	April 1, 1827	Muncie
Dubois	Toussaint Dubois	Feb. 1, 1818	Jasper
Elkhart	Elkhart Indian tribe	April 1, 1830	Goshen
Fayette	Marquis de Lafayette	Jan. 1, 1819	Connorsville
Floyd	Col. John Floyd of Virginia	Feb. 2, 1819	New Albany
Fountain	Maj. Fountain of Kentucky	April 1, 1826	Covington
Franklin	Benjamin Franklin	Feb. 1, 1811	Brookville
Fulton	Robert Fulton	April 1, 1836	Rochester
Gibson	John Gibson, Governor of Indiana Territory	April 1, 1813	Princeton
Grant	Capt. Samuel and Moses Grant of Kentucky	April 1, 1832	Marion
Greene	Gen. Nathaniel Green of American Revolution	Feb. 5, 1821	Bloomfield
Hamilton	Alexander Hamilton	April 7, 1823	Noblesville
Hancock	John Hancock	March 1, 1828	Greenfield
Harrison	Wm. Henry Harrison, Territorial Governor	Dec. 1, 1808	Corydon
Hendricks	William Hendricks, Governor of Indiana	April 1, 1824	Danville
Henry	Patrick Henry	June 1, 1822	New Castle
Howard	General T. A. Howard	May 1, 1844	Kokomo
Huntington	Samuel Huntington	Dec. 2, 1834	Huntington
Jackson	Gen. Andrew Jackson	Jan. 1, 1816	Brownstown
Jasper	Sgt. Jasper of South Carolina	March 15, 1838	Rensselaer
Jay	John Jay, Governor of New York	March 1, 1836	Portland
Jefferson	Thomas Jefferson	Feb. 1, 1811	Madison
Jennings	Jonathon Jennings, first Governor of Indiana	Feb. 1, 1817	Vernon
Johnson	Judge John Johnson, Indiana Supreme Court	May 5, 1823	Franklin
Knox	Gen. Knox, Secretary of War	June 20, 1790	Vincennes
Kosciusko	Kosciusko, Polish hero of American Revolution	June 1, 1837	Warsaw
LaGrange	Name of Lafayette's home near Paris	April 1, 1832	LaGrange
Lake	Lake Michigan	Feb. 15, 1837	Crown Point
La Porte	French term meaning "the door" or "the port"	April 1, 1832	La Porte
Lawrence	Capt. James Lawrence	March 1, 1818	Bedford
Madison	James Madison	July 1, 1823	Anderson
Marion	Gen. Francis Marion	April 1, 1822	Indianapolis
Marshall	Chief Justice John Marshall	April 1, 1836	Plymouth
Martin	Maj. John T. Martin of Kentucky	Feb. 1, 1820	Shoals
Miami	Miami Indian tribe	March 1, 1834	Peru
Monroe	James Monroe	April 10, 1818	Bloomington
Montgomery	Gen. Richard Montgomery	March 1, 1823	Crawfordsville
Morgan	Gen. Daniel Morgan	Feb. 15, 1822	Martinsville
Newton	Sgt. John Newton	Dec. 9, 1859	Kentland
Noble	James Noble, first U.S. Senator from Indiana	March 1, 1836	Albion
Ohio	Ohio River	March 1, 1844	Rising Sun
Orange	Orange County, North Carolina	Feb. 1, 1816	Paoli
Owen	Col. Abraham Owen, Tippecanoe Battle casualty	Jan. 1, 1819	Spencer

county, shall not reduce the old county or counties from which the same shall be taken to a less content than 400 square miles." The new constitution contains the same guaranty, although slightly reworded. It provides that "no county shall be reduced to an area less than 400 square miles, nor shall any county, under that area, be further reduced."

By the time Indiana wrote its second Constitution in 1851, all the 92 counties as they are known today were established with the exception of Newton County. The boundaries for Newton County first were laid out in 1835, but several years went by without the county government being organized. Because of this, in 1839 Newton was consolidated with Jasper County, and then in 1859 it was created again and the separate county organized.

NOTE: This material is based on an article on county organization written by Harold C. Feightner. Additional information on the founding of each county may be found in *Indiana Boundaries* by George Pence and Nellie C. Armstrong, published in 1933 by the Indiana Historical Bureau as Volume XIX of the series *Indiana Historical Collection*. This book should be available in most public libraries.

Origin of Name	Date of Organization	County Seat	
Parke	Benjamin Parke, first territorial delegate to Congress	April 2, 1821	Rockville
Perry	Commodore Oliver H. Perry	Nov. 1, 1814	Cannelton
Pike	Gen. Zebulon M. Pike	Feb. 1, 1817	Petersburg
Porter	Commodore David Porter, War of 1812	Feb. 1, 1836	Valparaiso
Posey	Gen. Thomas Posey	Nov. 1, 1814	Mt. Vernon
Pulaski	Count Casimir Pulaski of the American Revolution	May 6, 1839	Winamac
Putnam	Gen. Israel Putnam	April 1, 1822	Greencastle
Randolph	Either Thomas Randolph or Randolph County, No. Carolina	Aug. 10, 1818	Winchester
Ripley	Gen. E. W. Ripley, War of 1812	April 10, 1818	Versailles
Rush	Dr. Benjamin Rush	April 1, 1822	Rushville
Scott	Gen. Charles Scott, Governor of Kentucky	Feb. 1, 1820	Scottsburg
Shelby	Isaac Shelby	April 1, 1822	Shelbyville
Spencer	Capt. Spier Spencer	Feb. 1, 1818	Rockport
Starke	General Starke	Jan. 15, 1850	Knox
St. Joseph	St. Joseph River	April 1, 1830	South Bend
Steuben	Baron Steuben of the Revolutionary War	May 1, 1837	Angola
Sullivan	Gen. Daniel Sullivan	Jan. 15, 1817	Sullivan
Switzerland	Switzerland, native land of first settlers	Oct. 1, 1814	Vevay
Tippecanoe	Tippecanoe River and battleground	March 1, 1826	Lafayette
Tipton	Gen. John Tipton	May 1, 1844	Tipton
Union	Symbolical of union of interests	Feb. 1, 1821	Liberty
Vanderburgh	Henry Vanderburgh, a territorial judge	Feb. 1, 1818	Evansville
Vermillion	Vermillion River	Feb. 1, 1824	Newport
Vigo	Col. Francis Vigo	Feb. 15, 1818	Terre Haute
Wabash	Wabash River	March 1, 1835	Wabash
Warren	Gen. Joseph Warren, of the American Revolution	March 1, 1827	Williamsport
Warrick	Capt. Jacob Warrick	April 1, 1813	Boonville
Washington	George Washington	Jan. 17, 1814	Salem
Wayne	Gen. Anthony Wayne	Feb. 1, 1811	Richmond
Wells	Capt. William A. Wells	May 1, 1837	Bluffton
White	Col. Isaac White	April 1, 1834	Monticello
Whitley	Col. William Whitley	April 1, 1839	Columbia City



The A-B-C of Politics

This description of the political features of Indiana government was written by Dr. Pressly Sikes, former director of the Bureau of Government Research at Indiana University. It is published as a part of "Here Is Your Indiana Government" through the courtesy of Dr. Sikes and The Indianapolis Star, in which the material first appeared.

The Voter

In our American republic, the services of government are divided among three separate departments, namely:

1. Legislative — Makes the laws.
2. Executive — Enforces or executes the laws.
3. Judicial — Interprets and applies the laws in lawsuits and prosecutions.

An American who thinks of governmental organization usually thinks of agencies in one or the other of these departments, and when thinking of governmental activities or functions, likewise thinks of functions performed in one of these three departments. Together they cover all aspects of government.

The people of Indiana have seen fit to delegate in their Constitution numerous functions or powers to the three departments of government.

One function of government, however, has not been delegated. It has been expressly reserved to the people. This is the function of choosing or electing the officers who exercise authority over the three departments and the people.

The electoral function is exercised by the adult citizens through the process of voting in elections. A free people cannot wholly delegate the function of election and remain free. A democratic people cannot ignore this governmental process and retain their democracy.

The venerable men who drafted our state Constitution were careful to preserve the right to vote and to guarantee elections in which to exercise the right. The right to vote is guaranteed to substantially every adult citizen (age 18 or over) of the state.

A definite term is prescribed for each elective office and a general election must be held every two years. Furthermore the Constitution prohibits the fixing of a term of more than four years for any office created by the legislature.

Let us repeat: The voting function has not been delegated. The voter is, in fact, a member of what we might call a "fourth department" of government - the electoral department.

The electoral department has no departmental divisions, no offices in the city hall, county courthouse or statehouse. To increase its efficiency, however, political parties have been organized. They, in fact, provide most of the machinery for the electorate.

Political Parties

A political party is in brief an organized group of voters seeking to influence or control the policies and personnel of government. To accomplish its purpose fully a party must win elections.

Waging election campaigns, however, is by no means the only service political parties render.

Among the specific services performed by political parties in America could be mentioned the following:

1. Inform voters on governmental matters.
2. Urge voters to participate in the electoral process.
3. Submit platforms of proposed policies and seek to have the policies enacted into law by the legislative department.
4. Advise appointing officers on the selection of government employees.
5. Oppose any proposed policy of government which the parties believe would not promote the general welfare of the people.
6. Select candidates for the various elective offices in the manner required by law.
7. Attempt to elect the candidates nominated.

It can readily be seen that party activities parallel the activities of government. Every territorial unit within the governmental structure is either identical with a party unit or is included in a larger unit. Wherever there are organized agencies of government, there will be need for party organizations.

The territorial units of government and the territorial units of the political party may not always be identical. This is the situation in Indiana.

In government the general policies for the whole state are declared in laws passed by the legislature. These policies may eventually be carried out through agencies of the state in the executive department or they may be carried out through the subordinate territorial units — county, city, town or township. Likewise party policies are declared by the party "legislature" (state convention) and then executed either through the state executive committee or through one of the subordinate territorial units — congressional district, county, city, etc.

Primary Elections

Political parties in Indiana are classified on the basis of the number of votes cast. A fully privileged political party must have received 10 percent of the votes for secretary of state in the last election.

For a good many years only two parties, Democratic and Republican, have measured up to this standard. These parties are required to have a rather elaborate organization which must be renewed every two years.

On Tuesday after the first Monday in May of the even-numbered years the Democrats and Republicans hold primary elections.*

No other party will be allowed to hold a primary until it obtains the necessary 10 percent of the votes. To get started, a party would have to nominate candidates by petition.

* City elections are held in years preceding presidential elections. City primaries also are conducted in those years for the purpose of nominating candidates for city offices.

The primaries are conducted in a manner prescribed by law. The expense is paid from public funds. They are under the general supervision of government officials, but for practical purposes the primaries are administered by the parties themselves.

For the members of the party, the primary election is the most important single party process. In it, four exceedingly important functions are performed.

1. The party's candidates for U.S. Senate, U.S. House, governor and General Assembly are chosen.
2. The party's candidates for district, county and local offices are nominated.
3. The precinct committeemen and delegates to the party's state convention are elected.
4. In presidential election years, the voters' preference for a presidential nominee may be expressed.

The precinct committeemen form the foundation upon which the party's whole structure is built.

All the permanent officers and committees in the party owe their selection directly or indirectly to the precinct committeemen. A party member who fails to vote in the primary is hardly in a position to complain of the way party affairs are managed.

The delegates elected to the party's state convention have no part in setting up the permanent organization of the party. Three or four functions performed by the convention are of sufficient importance, however, to justify a voter giving serious study to the choice of delegates.

1. The convention makes the party's platform.
2. It nominates candidates for state offices, except for the offices of governor and the General Assembly.
3. In presidential election years it elects delegates to the party's national convention and nominates candidates for presidential electors. The national convention delegates are required by law to cast their first ballot for the presidential candidate preferred by the majority of the party voters in their respective districts as expressed in the primary election.

Primary election day is the one day every two years when party members have their chance to exercise authority in party affairs.

State Conventions

Mention has previously been made of the state conventions of the political parties. Their functions were given in a general way. Furthermore, it has been shown that the precinct committeeman is the direct representative — and the only direct representative — of the voter in the permanent organization of the party. All other permanent officers of the party are twice — or thrice — removed from the voter. In the convention, however, the voter is again close to the organization. The voter helps to elect the delegates.

Each of the major parties is required to hold a convention within 60 days after the biennial May primary.

Each county has one delegate for every 400 votes, or major fraction thereof, cast for the party's candidate for secretary of state in the last general election. The State Board of Election

Commissioners apportions the delegates among the 92 counties. The county board of primary election commissioners apportions the county's delegates among the townships, wards and precincts. The voters in every precinct are assured of being permitted to vote to help elect at least one delegate. In 1984 the Republican state convention had 2,223 delegates and the Democratic convention had 2,104 delegates.

One of the major functions of the convention is to adopt the platform for the party. A platform should state a series of principles for which the party stands. It may contain recommendations as to laws the party would repeal or amend if it is successful in the election. Or it may state subjects upon which the party would seek to get laws enacted.

The convention selects candidates for six offices filled on the basis of a state-wide election. These would include the offices of:

Lieutenant governor.
Secretary of state.
Attorney general.
Auditor of state.
Treasurer of state.
Clerk of the state high courts.

Formerly, if a United States senator was to be elected the convention nominated the party's candidate for that office. Sometimes there could be two candidates for United States senator to be nominated, one for a regular term and one for a short term. (This situation arises when a vacancy occurs in the office of United States senator, either from death, resignation or any other reason.)

In presidential election years the state convention must nominate the party's candidates for presidential electors (the Electoral College). The delegates from each congressional district select one elector, and two more are elected "at large" during the convention.

Also, the convention elects the party's delegates to the national convention of the party.

Candidates for the various offices are nominated or elected, as the case may be, either all at one time or in the following order when such offices are to be filled:

1. Delegates and alternate delegates to the national convention.
2. Presidential electors and alternate electors.
3. Clerk of the state high courts.
4. Attorney general.
5. Treasurer of state.
6. Auditor of state.
7. Secretary of state.
8. Lieutenant governor.

Candidates are voted upon by secret ballot on voting machines, except where there is no contest for an office the nomination may be by acclamation.

The state convention chooses the device by which its candidates may be designated on the ballot.

Whom will the party have as its candidates for presidential elector, secretary of state, attorney general, treasurer, auditor, etc.? Or what principles will the party stand for in the general election campaign? The persons whom the voters elect as their delegates to the state convention have the answers to these questions.

Party Organizations

The first step in the biennial reconstruction of the party or-

ganization is taken by the voters in the May primary. In each precinct a committeeman is elected. Immediately after his or her election the committeeman appoints a vice committeeman of the opposite sex. All the precinct committeemen and vice committeemen in a county constitute the county committee of the party.

A meeting or county convention is held at the time fixed by law, Saturday following primary election day. At this meeting a county chairman and a vice chairman are elected along with a treasurer and secretary.

The committeeman and vice committeemen within any city may form a city organization with a chairman, vice chairman, etc. In the more populous counties ward or township organizations are also set up. These special organizations within the county are partly the result of legal requirements and in part are based on custom.

The county chairmen and vice chairmen in the counties in each of the 10 congressional districts together constitute the congressional district committee. In convention they select a district chairman, vice chairman and other officials.

These 20 district chairmen and vice chairmen together form the state central committee of the party.

To complete the regular organization of the party the state central committee elects a chairman and vice chairman and other necessary officers and committees.

Thus gradually through the action of primary election and a series of committee or convention election procedures we get the party organization set up.

The Precinct

The precinct is the unit cell of the political party organization. In November, 1984, there were 4,758 precincts in the state. The number of precincts in the county varied from eight in Ohio County to 761 in Marion County. The number of voters in the precinct ordinarily will range from 600 to 800 in large cities and from 250 to 400 in sparsely populated rural counties.

The precinct does not serve as a unit of government, but it is very useful for political organization and administration.

Mention has been made of the precinct committeeman's part as a member of the county committee, but this is a lesser responsibility. The committeeman's main duties as a party administrative officer are carried on within the precinct.

The first important legal duty is to appoint a vice committeeman (traditionally of the opposite sex). The committeeman and vice committeeman must attend the county convention to help set up the county organization. These are the only legal duties of the precinct committeeman. Other duties, some of which may be required any day in the year, are the result of party rules and customs.

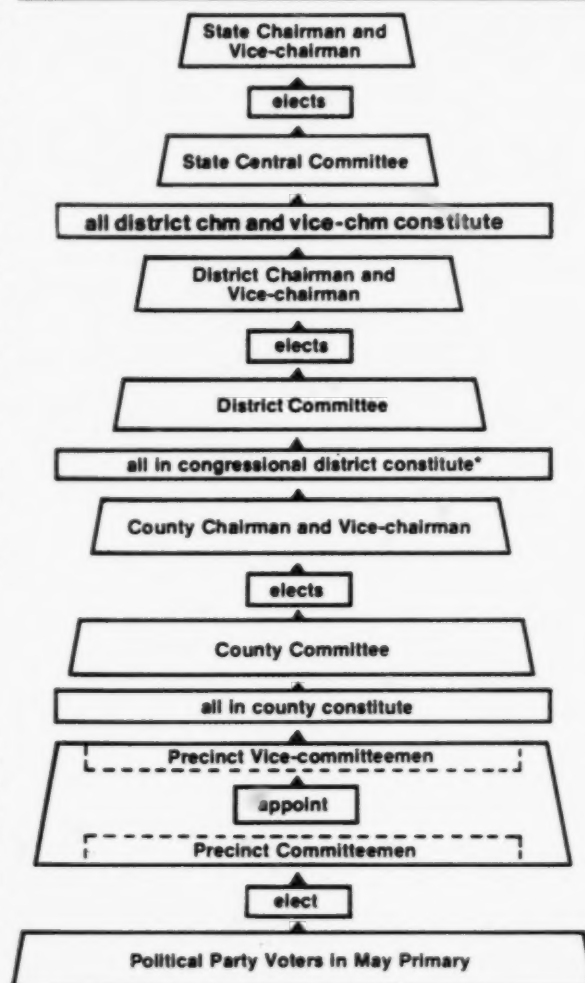
The committeeman is the party's contact person in the precinct, seeking always to make friends and recruit supporters for the party. To do this, the committeeman may call on families, visit homes in bereavement, or render friendly neighborhood services of a personal or social nature.

Before the election and during the campaign, the committeeman takes at least one poll of the voters in the precinct to determine — so far as is possible — the party choice of each voter. The committeeman is responsible for seeing that the voters favorable to the committeeman's party are registered and thus eligible to vote. On election day, the committeeman's job includes seeing that the voters show up at the polls. These are purely political duties.

In an advisory capacity the committeeman may assist the county chairman in selecting persons to recommend for appoint-

STRUCTURE OF POLITICAL PARTIES

(Read from bottom up)



* Exceptions to this provision occur in counties which contain one district wholly within their boundaries, plus part of one or more additional districts also within their borders (Lake and Marion counties). Each political party may establish its own rules governing the naming of county representatives on the committee of a district which is only partly within the county. . .

The county chairman in these counties may serve as, or appoint, the committee members to represent the county on the committee of the district wholly within the county.

ive jobs. The county chairman can appoint any number of persons to assist the committeeman and vice committeeman as members of the precinct committee.

City, Ward and Township

What might be called the "Big Four" in party organization units throughout the state are precinct, county, district and state. In addition, in the more populous counties and in cities one finds other units of political organization.

The regular precinct committeemen and vice committeemen who live within a city may organize a city committee. They elect a city chairman, vice chairman, secretary and treasurer. The city organization carries on activities within the city corresponding

to those of the county organization in the county. For the purpose of organizing the city committee the committeemen and vice committeemen are called into session by the county chairman.

Under the law, a city committee may be organized in every city. In practice, however, there is usually no separate city organization except in the larger cities.

In the more populous counties, where the larger cities are located, there may be a very elaborate organization between the precinct and county level. The city of Indianapolis, for example, is divided into a number of wards. In each ward in the city and in each township outside the city, a ward or township chairman is appointed.

Each ward or township chairman is a kind of field captain, directing the work of the precinct organizations within the ward or township. On an average there will be 10 or 12 precincts in each ward.

County Organization

It might seem logical to explain the organizations below the county level but above the precinct level before the county organization itself is discussed. However, these units are more or less offshoots of the county organization. Hence there is an advantage in taking the parent organization first.

As related previously, the precinct committeemen and vice committeemen within a county elect the county chairman and vice chairman. At the same time a secretary and treasurer are elected. At times special committees are created but on the whole the four officers mentioned make up the active party organization at the county level.

The county chairman's position is an important one in the party organization. The chairman has numerous duties prescribed by law, others conferred by party rules or resolutions, and still others that have grown up through custom or usage.

Some specific statutory duties of the county chairman are as follows:

1. Nominate a member of the county primary election board.
2. Nominate election officers for the various precincts on election day.
3. Submit to the clerk of the circuit court the names of persons for deputy registration officers.
4. Appoint members of the precinct committees in addition to the respective precinct committeemen and vice committeemen.
5. Appoint precinct vice committeemen whenever such appointments are not duly made by the committeemen.

Some duties conferred upon the county chairman of one or both major parties are as follows:

1. Approve proxies executed by duly elected party officers who are unable to attend official meetings.
2. Retain custody of poll books prepared by the party.
3. Call a meeting of precinct committeemen and vice committeemen within cities in his county to perfect the city organization.
4. Notify precinct committeemen and vice committeemen of the date, hour and place of meeting of the biennial county organization meeting and all other meetings called by the chairman.
5. Designate the newspaper in which primary election notice is to be published.

The county chairman's duties which stem from customs and practical considerations are such as to test leadership ability. The chairman must co-ordinate the work of the county organization and subordinate organizations within the county. If the committeemen and vice committeemen are in harmony with the county chairman, the task will be made easier.

The county chairman advises appointing officers relative to the qualifications of would-be appointees in the county. In doing this and in performing many of the other day-to-day duties of office, the chairman relies on the party, city, ward and precinct officials within the county.

The ward chairmen are directed by the county chairman.

This is just another example of organizing administrative activities. The county chairman is the director of party activities for the county. If the number of precinct committeemen and vice committeemen is large (more than 1,100 in Marion County) they are subdivided into ward or township groups. The county chairman then directs their activities through a smaller number of ward or township chairmen.

In most counties the number of committeemen and vice committeemen is small enough that the county chairman can direct the activities without additional regional organizations.

District Organization

There are now 10 congressional districts in the state. They serve no governmental purpose except as a convenient unit from which members of the lower house of Congress are elected. There is, in other words, no congressional district government — no district officers, no district taxes, etc.

For political party purposes, however, the congressional district is of major importance both from the standpoint of organization and administration.

In addition to setting up the district organization the committee may be called on to settle disputes in county organizations. Or if for any reason the party has no candidate for Congress after the primary the committee selects a candidate.

The main burden of directing the work of the party in the district falls upon the district chairman, who must see that all county organizations in the district have been perfected and are functioning properly.

During the election campaign it is the district chairman's duty to visit each county in the district frequently and to encourage and advise the county chairman and other party workers. The district organization makes a special effort to assist the party's candidates for state or national legislative offices.

The office of district chairman is a good illustration of how the whole party organization is knit together. This official is elected by the county chairmen and vice chairmen, is chairman of the district committee, and is a member of the state central committee.

Quite naturally one would expect the advice and counsel of the district chairman to be sought by government officials making up appointments to office or even in enacting policies for the government of the state.

State Organization

Upon matters of party policy, the party convention speaks for the party. The task of executing the policies and accomplishing the aims of the party is delegated to its permanent organization. In this organization supreme party authority is vested in the state central committee.

The 10 district chairmen and the same number of district vice-chairmen meet to organize the state central committee. A state chairman, vice-chairman, secretary and treasurer are elected.

The committee is organized, or reorganized, soon after the party primary. Hence at the time, a general election is only a few months away. The first big task of the state central committee, therefore, is to organize and conduct the political campaign.

After an election campaign is over the party organization must be held together.

If it has won, the party must work with the government in order to accomplish the objectives advocated in the campaign.

If it has lost, it must be ready to criticize the party in power any time it makes a mistake and to try to win public favor for itself.

In either case the party organization must be kept in readiness for the inevitable election year.

The supreme directing head, or commander-in-chief, of the party activities is the chairman of the state central committee, called simply the state chairman.

In some respects the chairman's position is a dual one. This official is at the apex of the party organization, a continuing job. In addition, the chairman and the secretary are the directing heads of the party headquarters, a busy place during the campaign.

As head of the organization, the chairman must give over-all direction to the activities of district, county and hundreds of precinct party officers and literally thousands of volunteer workers.

At party headquarters the chairman is responsible for the organization and direction of the numerous activities carried on during the campaign. For this purpose numerous subcommittees are set up. Among these are the executive committee, finance committee, publicity committee and auditing committee. Each committee has a director and other staff members. Other activities are directed by individuals appointed directly by the chairman and responsible to the chairman. Between election campaigns the staff at party headquarters is drastically reduced.

Both during campaigns and in between, the state chairman occupies a position that demands a high degree of executive ability and administrative skill.

National Organization

We have in this country what is known as a federal system of government. In such a system the central or national government possesses certain powers independently of the states and the states are deemed to enjoy a certain degree of independence from the national government.

Either government could function, if necessary, without assistance from the other. The two, however, co-operate to form a strong nation of powerful states rather than a weak confederation of fully independent states.

The political party system operates somewhat the same way. The party in Indiana, as it has been described, can operate as a purely state organization. It is not controlled by a national or "federal" political party.

The state party organization and the national party organization do co-operate for their mutual good. The two, like state and national governments, are organically related. State and local governments conduct and pay for elections for national office. Likewise, state and local party organs act to perfect the organization of the national political party and work for the success of the national party.

It has already been noted that the party state convention in Indiana elects delegates to the national convention of the party. At the national convention, candidates for president and vice president are nominated. The party's national platform also is formulated.

The state central committee names the two national committee members from the state (a man and a woman). The formal election is made by the national convention. These, with a like representation from other states and from the territories, form the national committee of the party.

The national committee elects a chairman and other administrative officers for the immediate purpose of waging the political campaign. The committee is permanent in nature and manages the party affairs from year to year between national election campaigns.

No better example of the practical importance of a party tradition or practice can be suggested than that which has grown up around the presidential electors. The Constitution does not provide for the popular election of the president and vice president. Furthermore, the Constitution does not even require that the voters be required to vote for presidential electors. Electors are chosen in each state "in such manner as the legislature thereof shall direct."

For more than 100 years the electors have been chosen in all states by popular vote. Each party nominates a slate of electors. The candidates for electors receiving a plurality of popular votes meet to cast their votes for president and vice president.

It is not required by the Constitution nor by law but, since 1796, with only a very few exceptions, every elector has voted for the men for president and vice president, respectively, whom the party has selected for these offices. On one occasion the minority of the electors voted for a candidate they knew had died before they cast their votes.

CONSTITUTION OF INDIANA, 1851

ARTICLE

1. Bill of Rights.
2. Suffrage and Elections.
3. Distribution of Powers.
4. Legislative.

ARTICLE

5. Executive.
6. Administrative.
7. Judicial.
8. Education.

ARTICLE

9. State Institutions.
10. Finance.
11. Corporation.
12. Militia.

ARTICLE

13. Municipal Debt.
14. Boundaries.
15. Miscellaneous.
16. Amendments—Schedule.

PREAMBLE

To the end, that justice be established, public order maintained, and liberty perpetuated: We, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.

ARTICLE 1.

Bill of Rights

SECTION

1. Natural rights.
2. Right to worship.
3. Freedom of thought.
4. No preference to any creed.
5. No religious test for office.
6. No money for religious institutions.
7. Competency of witness.
8. Oath, how administered.
9. Free speech and writing.
10. The truth in libel.
11. Unreasonable search or seizure.
12. Courts open — Due course of law — Administration of justice.
13. Rights of accused.
14. Former jeopardy — Self-incrimination.
15. Unnecessary rigor prohibited.
16. Excessive bail, punishment, and penalties.
17. Bailable offenses.
18. Reformation as basis of penal code.
19. Jury in criminal cases — Right to determine law and facts.

SECTION

20. Trial by jury inviolate in civil cases.
21. Compensation for services or property.
22. Exemption — Imprisonment for debt.
23. Privileges equal.
24. Ex post facto laws — Laws impairing obligations of contract.
25. Taking effect of laws.
26. Suspension of laws.
27. Suspension of habeas corpus.
28. Treason.
29. Proof in treason.
30. Effect of conviction.
31. Right to assemble, instruct, and petition.
32. Right to bear arms.
33. Military subject to civil power.
34. Restrictions upon soldiers.
35. No titles of nobility, nor hereditary distinctions.
36. Emigration free.
37. Slavery prohibited.

Section 1. We declare, that all people ¹ are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the People; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the People have, at all times, an indefeasible right to alter and reform their government.

Sec. 2. All people shall be secured in their natural right to worship Almighty God, according to the dictates of their own consciences. ²

Sec. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Sec. 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no person shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent. ³

Sec. 5. No religious test shall be required as a qualification for any office of trust or profit.

Sec. 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

Sec. 7. No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

Sec. 8. The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.

Sec. 9. No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right, every person shall be responsible.

Sec. 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

Sec. 11. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable ⁴ search, or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. ⁵

Sec. 12. All courts shall be open; and every person, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay. ⁶

Sec. 13. In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury ⁷, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

Sec. 14. No person shall be put in jeopardy twice for the same offense. ⁸ No person, in any criminal prosecution, shall be compelled to testify against himself. ⁹

Sec. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

Sec. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments ¹⁰ shall not be inflicted. All penalties shall be proportioned to the nature of the offense. ¹¹

Sec. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable, when the proof is evident, or the presumption strong.

Sec. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice. ¹²

Explanatory footnotes begin on page 135.

Sec. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

Sec. 20. In all civil cases, the right of trial by jury shall remain inviolate.

Sec. 21. No person's particular services shall be demanded, without just compensation. No person's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.¹³

Sec. 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.¹⁴

Sec. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which upon the same terms, shall not equally belong to all citizens.¹⁵

Sec. 24. No ex post facto law, or law impairing the obligation of contracts, shall ever be passed.¹⁶

Sec. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.¹⁷

Sec. 26. The operation of the laws shall never be suspended, except by the authority of the General Assembly.

Sec. 27. The privilege of the writ of habeas corpus shall not be suspended, except in case of rebellion or invasion; and then, only if the public safety demand it.

Sec. 28. Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

Sec. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

Sec. 30. No conviction shall work corruption of blood, or forfeiture of estate.

Sec. 31. No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

Sec. 32. The people shall have a right to bear arms, for the defense of themselves and the State.¹⁸

Sec. 33. The military shall be kept in strict subordination to the civil power.

Sec. 34. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Sec. 35. The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

Sec. 36. Emigration from the State shall not be prohibited.

Sec. 37. There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.¹⁹

Sec. 2. Every citizen of the United States, of the age of eighteen (18) years or more, who has been a resident of a precinct thirty (30) days immediately preceding such election, shall be entitled to vote in that precinct.¹

Sec. 3. No member of the armed forces of the United States, or of their allies, shall be deemed to have acquired a residence in the State, in consequence of having been stationed within the same; nor shall any such person have the right to vote.²

Sec. 4. No person shall be deemed to have lost his residence in the State, by reason of his absence, either on business of this State or of the United States.

Sec. 5. (Stricken out by constitutional amendment of March 24, 1881.)³

Sec. 6. Every person shall be disqualified from holding office, during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward, to procure his election.

Sec. 7. (Stricken out by constitutional amendment of March 29, 1983.)⁴

Sec. 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

Sec. 9. No person holding a lucrative office or appointment under the United States or under this State is eligible to a seat in the General Assembly; and no person may hold more than one lucrative office at the same time, except as expressly permitted in this Constitution. Offices in the militia to which there is attached no annual salary shall not be deemed lucrative.⁵

Sec. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over, according to law, all sums for which he may be liable.

Sec. 11. In all cases in which it is provided, that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term.

Sec. 12. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest, in going to elections, during their attendance there, and in returning from the same.

Sec. 13. All elections by the People shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be viva voce.⁶

Sec. 14. All general elections shall be held on the first Tuesday after the first Monday in November, but township elections may be held at such time as may be provided by law: Provided, That the General Assembly may provide by law for the election of all Judges of courts of general and appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote.⁷

ARTICLE 2.

Suffrage and Election

SECTION

1. Elections free and equal.
2. Qualifications of electors.
3. Soldiers — Seamen — Marines.
4. Residence.
5. [Repealed.]
6. Bribery a disqualification for office.
7. Challenge to duel. [Repealed.]

Section 1. All elections shall be free and equal.

SECTION

8. Disfranchisement.
9. Effect of holding lucrative offices.
10. Defaulters not eligible.
11. Pro tempore appointments.
12. Electors free from arrest.
13. Method of election.
14. Time of elections — Judges — Registration.

ARTICLE 3.

Distribution of Powers

Section 1. The powers of the Government are divided into three separate departments: The Legislative, the Executive including the Administrative, and the Judicial; and no person, charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.¹

ARTICLE 4.

Legislative

SECTION

1. The General Assembly.
2. Number of members.
3. Term of office.
4. Filling of vacancies.
5. Apportionment of representation.
6. District divisions. [Repealed.]
7. Qualifications of members of assembly.
8. Privileges of members.
9. Sessions.
10. Officers — Procedure — Adjournment.
11. Quorum.
12. Journal.
13. Doors to be open.
14. Disorderly behavior punished.
15. Imprisonment for contempt.

SECTION

16. Powers of each house.
17. Bills.
18. Reading and vote.
19. Subject matter of acts.
20. Plain wording.
21. Revision of acts. [Repealed.]
22. Local or special laws forbidden.
23. Laws must be general.
24. Suits against the state.
25. Passage of bills.
26. Protest and entry.
27. Public laws.
28. Effective date of statutes.
29. Pay of members.
30. Members ineligible to certain offices.

Section 1. The Legislative authority of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law shall be: "Be it enacted by the General Assembly of the State of Indiana"; and no law shall be enacted, except by bill.¹

Sec. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective districts into which the State may, from time to time, be divided.²

Sec. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election. One-half of the Senators, as nearly as possible, shall be elected biennially.³

Sec. 4. The General Assembly may provide by law for the filling of such vacancies as may occur in the General Assembly.⁴

Sec. 5. The General Assembly elected during the year in which a federal decennial census is taken shall fix by law the number of Senators and Representatives and apportion them among districts according to the number of inhabitants in each district, as revealed by that federal decennial census. The territory in each district shall be contiguous.⁵

Sec. 6. (Stricken out by constitutional amendment of Feb. 21, 1984.)⁶

Sec. 7. No person shall be a Senator or a Representative who, at the time of his election, is not a citizen of the United States; nor any one who has not been for two years next preceding his election, an inhabitant of this State, and, for one year next preceding his election, an inhabitant of the district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.⁷

Sec. 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process, during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

Sec. 9. The sessions of the General Assembly shall be held at the capital of the State, commencing on the Tuesday next after the second Monday in January of each year in which the General Assembly meets unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time by proclamation, call a special session. The length and frequency of the sessions of the General Assembly shall be fixed by law.⁸

Sec. 10. Each House, when assembled, shall choose its own officers, the President of the Senate excepted; judge the elections, qualifications, and returns of its own members; determine

its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

Sec. 11. Two-thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing, shall be entitled to no compensation, from the end of the said five days, until an organization shall have been effected.⁹

Sec. 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; Provided, That on motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

Sec. 13. The doors of each House, and of Committees of the Whole, shall be kept open, except in such cases, as, in the opinion of either House, may require secrecy.

Sec. 14. Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Sec. 15. Either House, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior, in its presence; but such imprisonment shall not, at any one time, exceed twenty-four hours.

Sec. 16. Each House shall have all powers necessary for a branch of the Legislative department of a free and independent State.

Sec. 17. Bills may originate in either House, but may be amended or rejected in the other; except that bills for raising revenue shall originate in the House of Representatives.¹⁰

Sec. 18. Every bill shall be read, by title, on three several days, in each House; unless, in case of emergency, two-thirds of the House where such bill may be pending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill, by title, on its final passage, shall, in no case, be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.¹¹

Sec. 19. An act, except an act for the codification, revision or rearrangement of laws, shall be confined to one [1] subject and matters properly connected therewith.¹²

Sec. 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

Sec. 21. (Stricken out by constitutional amendment ratified by the voters on Nov. 8, 1960.)¹³

Sec. 22. The General Assembly shall not pass local or special laws:

- Providing for the punishment of crimes and misdemeanors;
- Regulating the practice in courts of justice;
- Providing for changing the venue in civil and criminal cases;
- Granting divorces;
- Changing the names of persons;
- Providing for laying out, opening, and working on, highways, and for the election or appointment of supervisors;
- Vacating roads, town plats, streets, alleys and public squares;
- Summoning and empaneling grand and petit juries, and providing for their compensation;
- Regulating county and township business;
- Regulating the election of county and township officers and their compensation;
- Providing for the assessment and collection of taxes for State, county, township, or road purposes;

Providing for the support of common schools, or the preservation of school funds;

Relating to fees or salaries, except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required;¹⁴

Relating to interest on money;

Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.¹⁵

Sec. 23. In all the cases enumerated in the preceding Section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.¹⁶

Sec. 24. Provision may be made, by general law, for bringing suit against the State; but no special law authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.¹⁷

Sec. 25. A majority of all the members elected to each House, shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed, shall be signed by the Presiding Officers of the respective Houses.¹⁸

Sec. 26. Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

Sec. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

Sec. 28. No act shall take effect, until the same shall have been published and circulated in the several counties of this State, by authority, except in case of emergency; which emergency shall be declared in the preamble, or in the body, of the law.¹⁹

Sec. 29. The members of the General Assembly shall receive for their services a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made.²⁰

Sec. 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the People.

ARTICLE 5.

Executive

SECTION

1. Governor.
2. Lieutenant Governor.
3. Election.
4. Manner of voting.
5. Tie vote.
6. Contests.
7. Qualifications.
8. Persons ineligible.
9. Term of office.
10. Vacancies.
11. President pro tempore of Senate.
12. Governor — Commander-in-chief.

SECTION

13. Messages.
14. Bills signed or vetoed.
15. Information from officers.
16. Execution of laws.
17. Pardons and reprieves.
18. Vacancies filled by governor.
19. General Assembly vacancies. [Repeated].
20. Change of meeting-place of Assembly.
21. Duties of Lieutenant Governor.
22. Pay of Governor.
23. Pay of Lieutenant Governor.
24. Ineligibility to other office.

Section 1. The executive power of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than eight years in any period of twelve years.¹

Sec. 2. There shall be a Lieutenant Governor, who shall hold his office during four years.

Sec. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the General Assembly.

Sec. 4. Each candidate for Lieutenant Governor shall run jointly in the general election with a candidate for Governor, and his name shall appear jointly on the ballot with the candidate for Governor. Each vote cast for a candidate for Governor shall be considered cast for the candidate for Lieutenant Governor as well. The candidate for Lieutenant Governor whose name appears on the ballot jointly with that of the successful candidate for Governor shall be elected Lieutenant Governor.²

Sec. 5. In the event of a tie vote, the Governor and Lieutenant Governor shall be elected from the candidates having received the tie vote by the affirmative vote in joint session of a majority of the combined membership of both Houses as the first order of business after their organization.

Sec. 6. Contested elections for Governor or Lieutenant Governor, shall be determined by the General Assembly, in such manner as may be prescribed by law.

Sec. 7. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices, who shall not have attained the age of thirty years.

Sec. 8. No member of Congress, or person holding any office under the United States or under this State, shall fill the office of Governor or Lieutenant Governor.

Sec. 9. The official term of the Governor and Lieutenant Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

Sec. 10. (a) In case the Governor-elect fails to assume office, or in case of the death or resignation of the Governor or his removal from office, the Lieutenant Governor shall become Governor and hold office for the unexpired term of the person whom he succeeds. In case the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall discharge the powers and duties of the office as Acting Governor.

(b) Whenever there is a vacancy in the office of Lieutenant Governor, the Governor shall nominate a Lieutenant Governor who shall take office upon confirmation by a majority vote in each house of the General Assembly and hold office for the unexpired term of the person whom he succeeds. If the General Assembly is not in session, the Governor shall call it into special session to receive and act upon the Governor's nomination. In the event of the inability of the Lieutenant Governor to discharge the powers and duties of his office, the General Assembly may provide by law for the manner in which a person shall be selected to act in his place and declare which powers and duties of the office such person shall discharge.

(c) Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor. Thereafter, when the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office.

(d) Whenever the President pro tempore of the Senate and the Speaker of the House of Representatives file with the Su-

preme Court a written statement suggesting that the Governor is unable to discharge the powers and duties of his office, the Supreme Court shall meet within forty-eight hours to decide the question and such decision shall be final. Thereafter, whenever the Governor files with the Supreme Court his written declaration that no inability exists, the Supreme Court shall meet within forty-eight hours to decide whether such be the case and such decision shall be final. Upon a decision that no inability exists, the Governor shall resume the powers and duties of his office.

(e) Whenever there is a vacancy in both the office of the Governor and Lieutenant Governor, the General Assembly shall convene in joint session forty-eight hours after such occurrence and elect a Governor from and of the same political party as the immediately past Governor by a majority vote of each house.³

Sec. 11. Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

Sec. 12. The Governor shall be commander-in-chief of the armed forces, and may call out such forces, to execute the laws, or to suppress insurrection, or to repel invasion.⁴

Sec. 13. The Governor shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.⁵

Sec. 14. Every bill which shall have passed the General Assembly shall be presented to the Governor. The Governor shall have seven days after the day of presentment to act upon such bill.

(1) He may sign it, in which event it shall become a law.

(2) He may veto it:

(a) In the event of a veto while the General Assembly is in session, he shall return such bill, with his objections, within seven days of presentment, to the House in which it originated, which House shall enter the objections at large upon its journals and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall approve the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered and, if approved by a majority of all the members elected to that House, it shall be a law. If such bill is not so returned by the Governor within seven days of presentment, it shall be a law notwithstanding such veto.

(b) In the event of a veto after final adjournment of a session of the General Assembly, or during a temporary adjournment of a session, such bill shall be returned by the Governor to the House in which it originated on the first day that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) He may refuse to sign or veto such bill in which event it shall become a law without his signature on the eighth day after presentment to the Governor.

Every bill presented to the Governor which is signed by him or on which he fails to act within said seven days after presentment shall be filed with the Secretary of State within ten days of presentment. The failure to so file shall not prevent such a bill from becoming a law.

In the event a bill is passed over the Governor's veto, such bill shall be filed with the Secretary of State without further presentment to the Governor: Provided, That in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the

action of the General Assembly which initially passed such bill.⁶

Sec. 15. The Governor shall transact all necessary business with the officers of government, and may require information in writing, from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

Sec. 16. The Governor shall take care that the laws are faithfully executed.⁷

Sec. 17. The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, the Governor may suspend the execution of the sentence, until the case has been reported to the General Assembly, at its next meeting; when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. The Governor may remit fines and forfeitures, under such regulations as may be provided by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures were made, and the several amounts remitted: Provided, however, the General Assembly may, by law, constitute a council composed of officers of State, without whose advice and consent the Governor may not grant pardons, in any case, except those left to his sole power by law.⁸

Sec. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when, at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any court; the Governor shall fill such vacancy, by appointment, which shall expire, when a successor shall have been elected and qualified.

Sec. 19. (Stricken out by constitutional amendment of March 29, 1983.)⁹

Sec. 20. Should the seat of government become dangerous from disease or a common enemy, the Governor may convene the General Assembly at any other place.¹⁰

Sec. 21. The Lieutenant Governor shall, by virtue of his office, be President of the Senate; have a right, when in committee of the whole, to join in debate, and to vote on all subjects; and, whenever the Senate shall be equally divided, he shall give the casting vote.

Sec. 22. The Governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished, during the term for which he shall have been elected.¹¹

Sec. 23. The Lieutenant Governor, while he shall act as President of the Senate, shall receive, for his services, the same compensation as the Speaker of the House of Representatives; and any person, acting as Governor, shall receive the compensation attached to the office of Governor.¹²

Sec. 24. Neither the Governor nor Lieutenant Governor shall be eligible to any other office, during the term for which he shall have been elected.

ARTICLE 6.

Administrative

SECTION

1. Secretary, Auditor, and Treasurer of state.
2. Designated county officers — Terms.
3. Other county and township officers.
4. Qualifications of county officers.
5. Residence of state officers.

SECTION

6. Residence of local officers.
7. Impeachment of state officers.
8. Impeachment of local officers.
9. Vacancies in local offices.
10. County boards.
11. County Sheriff — Election. [Repealed.]

Section 1. There shall be elected, by the voters of the State, a

Secretary, an Auditor and a Treasurer of State, who shall, severally, hold their offices for four years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices, more than eight years in any period of twelve years.¹

Sec. 2. There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor, who shall, severally, hold their offices for four years; and no person shall be eligible to the office of the Clerk, Auditor, Recorder, Treasurer, Sheriff, or Coroner more than eight years in any period of twelve years.²

Sec. 3. Such other county and township officers as may be necessary shall be elected, or appointed, in such manner as may be prescribed by law.³

Sec. 4. No person shall be elected, or appointed, as a county officer, who is not an elector of the county, and who has not been an inhabitant of the county one year next preceding his election or appointment.⁴

Sec. 5. The Governor, and the Secretary, Auditor, and Treasurer of State, shall, severally, reside and keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government.

Sec. 6. All county, township, and town officers, shall reside within their respective counties, townships, and towns; and shall keep their respective offices at such places therein, and perform such duties, as may be directed by law.⁵

Sec. 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

Sec. 8. All State, county, township, and town officers, may be impeached, or removed from office, in such manner as may be prescribed by law.⁶

Sec. 9. Vacancies in county, township, and town offices, shall be filled in such manner as may be prescribed by law.

Sec. 10. The General Assembly may confer upon the boards doing county business in the several counties, powers of a local administrative character.

Sec. 11. (Stricken out by constitutional amendment of March 29, 1983.)⁷

ARTICLE 7.¹

Judicial

SECTION

1. Judicial power.
2. Supreme Court.
3. Chief Justice.
4. Jurisdiction of Supreme Court.
5. Court of Appeals.
6. Jurisdiction of Court of Appeals.
7. Judicial circuits.
8. Circuit courts.
9. Judicial nominating commission.
10. Selection of justices of the Supreme Court and judges of the Court of Appeals.

SECTION

11. Tenure of justices of Supreme Court and judges of the Court of Appeals.
12. Substitution of judges.
13. Removal of circuit court judges and prosecuting attorneys.
14. Incumbent judges. [Repealed.]
15. No limitation on term of office.
16. Prosecuting attorneys.
17. Grand jury.
18. Criminal prosecutions.
19. Pay.
20. Existing courts, Judges. [Repealed.]
21. Practice of law. [Repealed.]

Section 1. The judicial power of the State shall be vested in one Supreme Court, one Court of Appeals, Circuit Courts, and such other courts as the General Assembly may establish.²

Sec. 2. The Supreme Court shall consist of the Chief Justice of the State and not less than four nor more than eight associate justices; a majority of whom shall form a quorum. The court

may appoint such personnel as may be necessary.

Sec. 3. The Chief Justice of the State shall be selected by the judicial nominating commission from the members of the Supreme Court and he shall retain that office for a period of five years, subject to reappointment in the same manner, except that a member of the Court may resign the office of Chief Justice without resigning from the Court. During a vacancy in the office of Chief Justice caused by absence, illness, incapacity or resignation all powers and duties of that office shall devolve upon the member of the Supreme Court who is senior in length of service and if equal in length of service the determination shall be by lot until such time as the cause of the vacancy is terminated or the vacancy is filled.

The Chief Justice of the State shall appoint such persons as the General Assembly by law may provide for the administration of his office. The Chief Justice shall have prepared and submit to the General Assembly regular reports on the condition of the courts and such other reports as may be requested.

Sec. 4. The Supreme Court shall have no original jurisdiction except in admission to the practice of law,³ discipline or disbarment of those admitted; the unauthorized practice of law; discipline, removal and retirement of justices and judges; supervision of the exercise of jurisdiction by the other courts of the State; and issuance of writs necessary or appropriate in aid of its jurisdiction. The Supreme Court shall exercise appellate jurisdiction under such terms and conditions as specified by rules except that appeals from a judgment imposing a sentence of death, life imprisonment or imprisonment for a term greater than ten years shall be taken directly to the Supreme Court. The Supreme Court shall have, in all appeals of criminal cases, the power to review all questions of law and to review and revise the sentence imposed.⁴

Sec. 5. The Court of Appeals shall consist of as many geographic districts and sit at such locations as the General Assembly shall determine to be necessary. Each geographic district of the Court shall consist of three judges. The judges of each geographic district shall appoint such personnel as the General Assembly may provide by law.⁵

Sec. 6. The Court shall have no original jurisdiction, except that it may be authorized by rules of the Supreme Court to review directly decisions of administrative agencies. In all other cases, it shall exercise appellate jurisdiction under such terms and conditions as the Supreme Court shall specify by rules which shall, however, provide in all cases an absolute right to one appeal and to the extent provided by rule, review and revision of sentences for defendants in all criminal cases.

Sec. 7. The State shall, from time to time, be divided into judicial circuits; and a Judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit and shall have been duly admitted to practice law by the Supreme Court of Indiana; he shall hold his office for the term of six years, if he so long behaves well.⁶

Sec. 8. The Circuit Courts shall have such civil and criminal jurisdiction as may be prescribed by law.

Sec. 9. There shall be one judicial nominating commission for the Supreme Court and Court of Appeals. This commission shall, in addition, be the commission on judicial qualifications for the Supreme Court and Court of Appeals.

The judicial nominating commission shall consist of seven members, a majority of whom shall form a quorum, one of whom shall be the Chief Justice of the State or a Justice of the Supreme Court whom he may designate, who shall act as chairman. Those admitted to the practice of law shall elect three of their number to serve as members of said commission. All election shall be in such manner as the General Assembly may provide. The Governor shall appoint to the commission three citi-

zens, not admitted to the practice of law. The terms of office and compensation for members of a judicial nominating commission shall be fixed by the General Assembly. No member of a judicial nominating commission other than the Chief Justice or his designee shall hold any other salaried public office. No member shall hold an office in a political party or organization. No member of the judicial nominating commission shall be eligible for appointment to a judicial office so long as he is a member of the commission and for a period of three years thereafter.

Sec. 10. A vacancy in a judicial office in the Supreme Court or Court of Appeals shall be filled by the Governor, without regard to political affiliation, from a list of three nominees presented to him by the judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the day it is presented to him, the appointment shall be made by the Chief Justice or the acting Chief Justice from the same list.

To be eligible for nomination as a justice of the Supreme Court or judge of the Court of Appeals, a person must be domiciled within the geographic district, a citizen of the United States, admitted to the practice of law in the courts of the State for a period of not less than ten (10) years or must have served as a judge of a circuit, superior or criminal court of the State of Indiana for a period of not less than five (5) years.

Sec. 11. A justice of the Supreme Court or judge of the Court of Appeals shall serve until the next general election following the expiration of two (2) years from the date of appointment, and, subject to approval or rejection by the electorate, shall continue to serve for terms of ten (10) years, so long as he retains his office. In the case of a justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of judges of the Court of Appeals the electorate of the geographic district in which he serves shall vote on the question of approval or rejection.

Every such justice and judge shall retire at the age specified by statute in effect at the commencement of his current term.

Every such justice or judge is disqualified from acting as a judicial officer, without loss of salary, while there is pending (1) an indictment or information charging him in any court in the United States with a crime punishable as a felony under the laws of Indiana or the United States, or (2) a recommendation to the Supreme Court by the commission on judicial qualifications for his removal or retirement.

On recommendations of the commission on judicial qualifications or on its own motion, the Supreme Court may suspend such justice or judge from office without salary when in any court in the United States he pleads guilty or no contest or is found guilty of a crime punishable as a felony under the laws of Indiana or the United States, or of any other crime that involves moral turpitude under that law. If his conviction is reversed, suspension terminates and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the Supreme Court shall remove him from office.

On recommendation of the commission on judicial qualifications the Supreme Court may (1) retire such justice or judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and (2) censure or remove such justice or judge, for action occurring not more than six (6) years prior to the commencement of his current term, when such action constitutes willful misconduct in office, willful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

A justice or judge so retired by the Supreme Court shall be considered to have retired voluntarily. A justice or judge so re-

moved by the Supreme Court is ineligible for judicial office and pending further order of the Court he is suspended from practicing law in this State.

Upon receipt by the Supreme Court of any such recommendation, the Court shall hold a hearing, at which such justice or judge is entitled to be present, and make such determinations as shall be required. No justice shall participate in the determination of such hearing when it concerns himself.

The Supreme Court shall make rules implementing this section and provide for convening of hearings. Hearings and proceedings shall be public upon request of the justice or judge whom it concerns.

No such justice or judge shall, during his term of office, engage in the practice of law, run for elective office other than a judicial office, directly or indirectly make any contribution to, or hold any office in, a political party or organization or take part in any political campaign.

Sec. 12. The General Assembly may provide, by law, that the Judge of one circuit may hold the Courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any Judge, from sickness or other cause, to hold the Courts in his circuit, provision may be made, by law, for holding such Courts.

Sec. 13. Any Judge of the Circuit Court or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

Sec. 14. (Stricken out by constitutional amendment of March 29, 1983.)⁷

Sec. 15. The provisions of Article 15, Section 2, prohibiting terms of office longer than four years, shall not apply to justices and judges.

Sec. 16. There shall be elected in each judicial circuit by the voters thereof a prosecuting attorney, who shall have been admitted to the practice of law in this State before his election, who shall hold his office for four years, and whose term of office shall begin on the first day of January next succeeding his election. The election of prosecuting attorneys under this section shall be held at the time of holding the general election in the year 1974 and each four years thereafter.⁸

Sec. 17. The General Assembly may modify, or abolish, the grand jury system.

Sec. 18. All criminal prosecutions shall be carried on in the name, and by the authority of the State; and the style of all process shall be: "The State of Indiana."

Sec. 19. The Justices of the Supreme Court and Judges of the Court of Appeals and of the Circuit Courts shall at stated times receive a compensation which shall not be diminished during their continuance in office.

Sec. 20. (Stricken out by constitutional amendment of March 29, 1983.)¹⁰

Sec. 21. (Stricken out by constitutional amendment of 1932.)¹¹

ARTICLE 8.

Education

SECTION

1. Common schools.
2. Common school fund.
3. Principal a perpetual fund - Appropriation of income.
4. Investment and distribution.

SECTION

5. Reinvestment.
6. Counties - Liability.
7. Trust funds inviolate.
8. Superintendent of public instruction.

Section 1. Knowledge and learning, generally diffused

throughout a community, being essential to the preservation of a free government; it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all. ¹

Sec. 2. The Common School fund shall consist of the Congressional Township fund, and the lands belonging thereto;

The Surplus Revenue fund;

The Saline fund and the lands belonging thereto;

The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of County Seminaries, and the moneys and property heretofore held for such seminaries;

From the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State, for want of heirs of kindred entitled to the inheritance;

All lands that have been, or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof; including the proceeds of the sales of the swamp lands, granted to the State of Indiana by the act of Congress of the twenty-eighth of September, eighteen hundred and fifty, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations, that may be assessed by the General Assembly for common school purposes.

Sec. 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of the Common Schools, and to no other purpose whatever.

Sec. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School fund, as have not heretofore been entrusted to the several counties; and shall make provision, by law, for the distribution, among the several counties, of the interest thereof.

Sec. 5. If any county shall fail to demand its proportion of such interest, for Common School purposes, the same shall be reinvested, for the benefit of such county.

Sec. 6. The several counties shall be held liable for the preservation of so much of the said fund as may be entrusted to them, and for the payment of the annual interest thereon.

Sec. 7. All trust funds, held by the State, shall remain inviolate and be faithfully and exclusively applied to the purposes for which the trust was created.

Sec. 8. There shall be a State Superintendent of Public Instruction, whose method of selection, tenure, duties and compensation shall be prescribed by law. ²

ARTICLE 9.

State Institutions

SECTION

1. Benevolent institutions.
2. Houses of refuge.

Section 1. It shall be the duty of the General Assembly to provide, by law, for the support of Institutions for the education of the deaf, the mute, and the blind; and for the treatment of the insane. ¹

Sec. 2. The General Assembly shall provide institutions for the correction and reformation of juvenile offenders. ²

SECTION

3. County asylums.

Sec. 3. The counties may provide farms, as an asylum for those persons, who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society. ³

ARTICLE 10.

Finance

SECTION

1. Assessment and taxation.
2. Payment of public debt.
3. Appropriations.
4. Statement of receipts and expenditures.

SECTION

5. State debt prohibited — Exceptions.
6. County indebtedness for stock — State assumption of debts.
7. Wabash and Erie Canal.
8. Income tax.

Section 1. (a) The General Assembly shall provide, by law, for a uniform and equal rate of property assessment and taxation and shall prescribe regulations to secure a just valuation for taxation of all property, both real and personal. The General Assembly may exempt from property taxation any property in any of the following classes: ¹

(1) Property being used for municipal, educational, literary, scientific, religious or charitable purposes;

(2) Tangible personal property other than property being held for sale in the ordinary course of a trade or business, property being held, used or consumed in connection with the production of income, or property being held as an investment;

(3) Intangible personal property.

(b) The General Assembly may exempt any motor vehicles, mobile homes, airplanes, boats, trailers or similar property, provided that an excise tax in lieu of the property tax is substituted therefor. ²

Sec. 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the treasury, derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the Public Debt.

Sec. 3. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

Sec. 4. An accurate statement of the receipts and expenditures of the public money, shall be published with the laws of each regular session of the General Assembly.

Sec. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense.

Sec. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town, or township; nor of any corporation whatever. ³

Sec. 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19, 1846, and an act supplemental to said act, passed January 29, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the

canal lands, and the tolls and revenues of the canal in said acts mentioned, and no such certificate or stocks shall ever be paid by this State. ⁴

Sec. 8. The General Assembly may levy and collect a tax upon income, from whatever source derived, at such rates, in such manner, and with such exemptions as may be prescribed by law. ⁵

ARTICLE 11.

Corporations

SECTION

1. Incorporation of banks.
2. General banking law.
3. Registry of notes.
4. Bank with branches.
5. Branches mutually responsible.
6. Stockholder responsible. [Repealed.]
7. Redemption.

SECTION

8. Holders' preference.
9. Interest.
10. Bank limitation. [Repealed.]
11. Trust funds.
12. State not to be stockholder.
13. General laws.
14. Individual liability of stockholders.

Section 1. The General Assembly shall not have power to establish, or incorporate, any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

Sec. 2. No banks shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

Sec. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required; which collateral security shall be under the control of the proper officer or officers of State.

Sec. 4. The General Assembly may also charter a bank with branches, without collateral security as required in the preceding section.

Sec. 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities, upon all paper credit issued as money.

Sec. 6. (Stricken out by constitutional amendment ratified by the electors at the general election held November 5, 1940.) ¹

Sec. 7. All bills or notes issued as money shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payments.

Sec. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

Sec. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed, by law, to individuals loaning money.

Sec. 10. (Stricken out by constitutional amendment ratified by the electors at the general election held November 5, 1940.) ²

Sec. 11. The General Assembly is not prohibited from investing the trust funds in a bank with branches; but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

Sec. 12. The State shall not be a stockholder in any bank; nor shall the credit of the State ever be given, or loaned, in aid of any person, association or corporation; nor shall the state become a stockholder in any corporation or association. ³

Sec. 13. Corporations, other than banking, shall not be created by special Act, but may be formed under general laws. ⁴

Sec. 14. Dues from corporations shall be secured by such individual liability of the stockholders, or other means, as may be prescribed by law. ⁵

ARTICLE 12.

Militia

SECTION

1. Organization.
2. Commander-in-chief.

SECTION

3. Adjutant general.
4. Conscientious objectors.

Section 1. A militia shall be provided and shall consist of all persons over the age of seventeen (17) years, except those persons who may be exempted by the laws of the United States or of this State. The militia may be divided into active and inactive classes and consist of such military organizations as may be provided by law.

Sec. 2. The Governor is Commander-in-Chief of the militia and other military forces of this state.

Sec. 3. There shall be an Adjutant General, who shall be appointed by the Governor.

Sec. 4. No person, conscientiously opposed to bearing arms, shall be compelled to do so in the militia.

ARTICLE 13.¹

Municipal Debt

Section 1. No political or municipal corporation in this State shall ever become indebted in any manner or for any purpose to an amount in the aggregate exceeding two per centum on the value of the taxable property within such corporation, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; and all bonds or obligations, in excess of such amount, given by such corporations, shall be void: Provided, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition. ^{2,3}

ARTICLE 14.

Boundaries

SECTION

1. State boundaries.
2. Jurisdictions.

Section 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded, on the East, by the meridian line, which forms the western boundary of the State of Ohio; on the South, by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River; on the West, by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of said Wabash River; and thence, by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the North, by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio. ¹

Sec. 2. The State of Indiana shall possess jurisdiction and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in

civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River, so far as said rivers form the common boundary between this State and said States respectively.

ARTICLE 15.

Miscellaneous

SECTION

1. Official appointments.
2. Duration of office.
3. Holding over.
4. Official oath.
5. State seal.

SECTION

6. Commissions.
7. Areas of counties.
8. Lotteries prohibited.
9. Public grounds.
10. Tippecanoe Battle Ground.

Section 1. All officers, whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.¹

Sec. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four (4) years.²

Sec. 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean, that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

Sec. 4. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also an oath of office.

Sec. 5. There shall be a Seal of State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

Sec. 6. All commissions shall be issued in the name of the State, shall be signed by the Governor, sealed with the State Seal, and attested by the Secretary of State.

Sec. 7. No county shall be reduced to an area less than four hundred square miles; nor shall any county, under that area, be further reduced.

Sec. 8. No lottery shall be authorized; nor shall the sale of lottery tickets be allowed.³

Sec. 9. The following grounds owned by the State in Indianapolis, namely: The State House Square, the Governor's Circle, and so much of outlot numbered one hundred and forty-seven, as lies north of the arm of the Central Canal, shall not be sold or leased.⁴

Sec. 10. It shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

ARTICLE 16.

Amendments

SECTION

1. How made.
2. Separate vote.

Section 1. Any amendment or amendments to this Constitution, may be proposed in either branch of the General Assembly; and, if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election; and if, in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State; and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.¹

Sec. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.^{2,3}

FOOTNOTES TO THE CONSTITUTION

The Constitution of Indiana was drafted by a convention which assembled at Indianapolis on October 7, 1850, and adjourned on February 10, 1851. The electors were afforded the opportunity of voting on the ratification or rejection of the Constitution as a whole and on Article XIII relative to Negroes and mulattoes. At the election held on August 4, 1851, the Constitution as a whole was ratified by a vote of 113,230 to 27,638, and Article XIII was ratified by a vote of 89,1010 to 21,066. The Constitution became effective November 1, 1851. It is the seventh oldest and third shortest among the 50 states.

ARTICLE 1.

1. An amendment to alter or remove certain gender references and outmoded wordings and provisions in many areas of the Constitution, sometimes by repeal of an entire section, was proposed by the General Assembly of 1982, re-adopted by the General Assembly of 1983 (House Joint Resolution 3), and ratified in the general election of 1984 by a vote of 851,106 to 366,358. The amendment (hereafter referred to as H.J.R. 3) makes changes of the kind described above in Sections 1,

2, 4, 12, 21 and 37 of Article 1; Sections 2, 3, 7 and 9 of Article 2; Sections 3, 4, 5, 18, 22 and 24 of Article 4; Sections 12, 13, 16, 17, 19 and 20 of Article 5; Sections 2, 4 and 11 of Article 6; Sections 14 and 20 of Article 7; Sections 1, 2 and 3 of Article 9; and Section 12 of Article 11.

2. An amendment ratified in 1984 (H.J.R. 3) changed "men" to "people".

3. A 1984 amendment (H.J.R. 3) changed "man" to "person".

4. What is unreasonable . . . is a function of the totality of conditions existing within our society at any moment in history. *Williams v. State*, 307 N.E. 2d 457.

5. Simple observations by police officers standing in a place where they have a right to be are not searches in the constitutional sense and the Indiana and U.S. Consts. do not protect citizens from them. *Pavey v. State*, 477 N.E. 2nd 957.

6. A 1984 amendment changed "man" to "person". Legislation that requires Supreme Court to fix some standard of judicial examination less than that fixed as requirement to practice law violates separation of powers. Judicial interpretation of 1975 S.E.A. 441, 263 Ind. 350. The Indiana "due course of law" requirement is a constitutional provision analogous to the due process clause of the 14th Amendment of the U.S. Const. *Scalf v. Berkel, Inc.*, 448 N.E. 2nd 1201. Defendants waive their claim that they were denied a speedy trial when they wait until the day of the trial to raise the issue. *Randall v. State*, 474 N.E. 2nd 76.

7. Right to a trial by jury is an essential element of a criminal defendant's right to due process of law. Also, the waiver of any constitutionally protected right at time of trial must be voluntary, knowingly and intelligently made with sufficient awareness of relevant circumstances surrounding its entry and consequences. *Williams v. State*, 307 N.E. 2d 880. An accused is not constitutionally entitled at public expense to any type of expert whose help in a particular case might be relevant. *Thomas v. State*, 459 N.E. 2d 373. A defendant does not have a substantial right to a jury composed of any specific number, so long as the number is not less than six. *Iseton v. State*, 472 N.E. 2d 643.

8. It is not double jeopardy where a new judgment is imposed after a revocation of probation. *Smith v. State*, 307 N.E. 2d 281. Discharge of a defendant is a bar to further prosecution on the charge and also bars prosecution for a lower degree of the offense originally charged. *Small v. State*, 287 N.E. 2d 334.

9. Where defendant was given *Miranda* warnings twice, a confession given by defendant was not illegally procured if police officers only told defendant the possible sentences for a Class C felony, that mitigating circumstances could be considered, and that they could inform the court if he were truthful and cooperative. *Hampton v. State*, 468 N.E. 2d 1077.

10. The constitutional prohibition against cruel and unusual punishment is a limitation upon acts of the General Assembly and not upon discretion of a trial court acting within the framework of a statute imposing penalties for the offense. *Gray v. State*, 305 N.E. 2d 886. Provision generally applies to atrocious or obsolete punishments and not to duration of punishments. *Hollars v. State*, 286 N.E. 2d 166. Isolated confinement on death row is not cruel and unusual punishment. *Shack v. State*, 288 N.E. 2d 155.

11. The state criminal justice system must afford an opportunity for rehabilitation where reasonably possible. *Fointno v. State*, 487 N.E. 2d 140. Indiana's death penalty is not cruel and unusual punishment. *Resnover v. State*, 460 N.E. 2d 922.

12. The death penalty does not constitute vindictive justice in violation of this section. *Dillon v. State*, 454 N.E. 2d 845.

13. A 1984 amendment (H.J.R. 3) changed "man's" to "person's" in each of the two sentences.

14. A debtor who practices fraud to avoid payment of a debt may be imprisoned. *Baker v. State*, 109 Ind. 47. A judgment against a husband for failure to support his wife is not a debt within the meaning of this section. *Perry v. Pernet*, 165 Ind. 67. The support obligations of the defendant charged with nonsupport of his child did not constitute a "debt," and therefore the constitutional proscription against imprisonment for debt was inapplicable to his case. *Davis v. State*, 481 N.E. 2d 434.

15. Burden on one who challenges a statute on equal protection grounds is a heavy one. *Gansert v. Meeks*, 384 N.E. 2d 1140.

16. The ex post facto doctrine forbids a court to increase retroactively the punishment for a crime committed under the old version of the code. The offender selects the time of the crime and thus freezes the penal consequences of that event. *Mudd v. State*, 483 N.E. 2d 782. The phrase ex post facto relates to criminal laws only. *Andrews v. Russell*, 7 Blkf. 474; *Pittsburgh Ry. Co. v. Lighthouse*, 168 Ind. 438.

17. Laws can not be made to take effect upon a submission to a vote of the people. *Maize v. State*, 4 Ind. 342. But laws may be enacted which provide for the petition or vote by a certain number before the benefit of the law can be invoked. *Thompson v. Peru*, 29 Ind. 305; *Lafayette R.R. Co. v. Geiger*, 34 Ind. 185; *Groesch v. State*, 42 Ind. 547. Laws may be passed conferring on state boards the authority to issue rules which have the force of law. *Isenhour v. State*, 157 Ind. 517.

18. Laws prohibiting the carrying of concealed weapons do not violate the provisions of this section giving the people the right to bear arms. *McIntyre v. State*, 170 Ind. 163.

19. A 1984 amendment (H.J.R. 3) eliminated the last sentence of this section, which read: "No indenture of any Negro or mulatto, made and executed out of the bounds of the State, shall be valid within the State."

ARTICLE 2.

1. The current wording of this section is the result of four amendments, these being adopted in 1984, 1976, 1921 and 1881. Before adop-

tion of the most recent (H.J.R. 3), the section read: "Every citizen of the United States, at the age of 18 or more, who has been a resident of the precinct 30 days immediately preceding such election, shall be entitled to vote in the precinct where he or she may reside."

This language had been provided by an amendment ratified in the general election of Nov. 2, 1976. The previous wording, dating to 1921: "In all elections not otherwise provided for by this Constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, shall be entitled to vote in the township or precinct where he or she may reside."

As originally adopted in 1851, this section restricted the vote to white male citizens who met the residence qualification of one year in the United States and six months in the State of Indiana. The amendment of 1881 struck out the word "white" and thus conferred the right of suffrage on male Negro citizens; it also prescribed a residence qualification of 60 days in a township and 30 days in a ward or precinct, and it authorized the legislature to require voters to register. The amendment of 1921 (worded above) conferred full suffrage on women, restricted the right to vote to native born or fully naturalized citizens, and eliminated the provision relative to the registration of voters. The 1976 amendment lowered the voting age to 18 and removed all residency requirements except that of 30 days within the precinct. The 1984 amendment removed any reference to gender.

2. Before being amended in 1984 (H.J.R. 3), this footnote read: "No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State, in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote."

3. As adopted in 1851, Section 5 provided that "No Negro or mulatto shall have the right of suffrage." The amendment which struck this section out of the Constitution was proposed by the General Assembly of 1877, re-adopted by the General Assembly of 1879, and voted on at the township election of April 5, 1880. The total number of votes cast at the township election was 380,771; the total number of votes cast against the amendment was 139,002. In *State v. Swift*, 69 Ind. 505, decided at the May term, 1880, the Supreme Court held that the amendment had not been adopted because it had not received a majority of the votes cast at the election. Accordingly, the amendment was re-submitted to the voters at a special election held on March 14, 1881. There were 172,900 votes cast at the election and 124,952 votes were cast in favor of the amendment and 42,896 votes cast against it. On March 24, 1881, Governor Albert G. Porter issued his proclamation declaring the amendment in force.

4. As adopted in 1851, and before its repeal in 1984 (H.J.R. 3), Section 7 said: "Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit."

5. Before being amended in 1984 (H.J.R. 3), this section read: "No person holding a lucrative office or appointment under the United States or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: Provided, That offices in the militia to which there is attached no annual salary and the office of Deputy Post Master where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative; And provided also, That counties containing less than one thousand polls, may confer the office of Clerk, Recorder, and Auditor, or any two of said offices, upon the same person."

Court decisions have held the following offices to be lucrative: County recorder, county commissioner, *Dailey v. State*, 8 Blkf. 329; township trustee, road supervisor, *Creighton v. Piper*, 14 Ind. 182; Bishop v. State, 149 Ind. 223; Colonel of Volunteers, reporter of Supreme Court, *Kerr v. Jones*, 19 Ind. 351; mayors of cities, *Howard v. Shoemaker*, 35 Ind. 111; school trustees and trustees of the state benevolent institutions, *Chambers v. State*, 127 Ind. 365.

6. This section, requiring that all elections shall be by ballot, does not prevent the use of voting machines. *Spickerman v. Goddard*, 182 Ind. 523.

7. As adopted in 1851, Section 14 provided that "All general elections shall be held on the second Tuesday in October." The present amend-

ment was proposed by the General Assembly of 1877, re-adopted by the General Assembly of 1879, and voted on at the township election of April 5, 1880. The total number of votes cast in favor of the amendment was 174,000, and the total number against the amendment was 144,812. In *State v. Swift*, 69 Ind. 505, decided at the May term, 1880, the Supreme Court held the amendment had not been adopted because it had not received a majority of the votes cast at the election. Accordingly, the amendment was resubmitted to the voters at a special election held on March 14, 1881. There were 172,900 votes cast at the election; 128,038 were cast in favor of the amendment and 40,163 against it. On March 24, 1881, Governor Albert G. Porter issued his proclamation declaring the amendment in force.

The following amendment to this section was proposed by the General Assembly of 1923 and readopted by the General Assembly of 1925: "All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law; Provided, That the General Assembly may provide by law for the election of all judges of courts of general or appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and may also provide for the registration of persons entitled to vote. In providing for the registration of persons entitled to vote the General Assembly shall have power to classify the several counties, townships, cities, and towns of the state into classes, and to enact laws prescribing a uniform method of registration in any or all of such classes." This proposed amendment was submitted to the voters at the general election held on November 2, 1926. The total number of votes cast at the election was 1,052,994; the total number of votes cast in favor of the amendment was 198,579; and the total number against the amendment was 184,684.

On April 7, 1948, the Supreme Court of Indiana, in the case of *Swank et al. v. Tyndall, et al.*, 226 Ind. 204, held that the law as stated in *State v. Swift* (1880) 69 Ind. 505; *In re Denny* (1901), 156 Ind. 104; and *In re Boswell* (1913), 179 Ind. 292 constituted the law with reference to the method of ascertaining the majority vote on proposed amendments to the Constitution up to the date of the 1932 general election, and that the decision of the court in the *Todd* case 208 Ind. 168, became the law with respect to the vote required to adopt a constitutional amendment voted on, at and after the 1932 general election. The court in said case, also held that the decision in the *Todd* case had no retrospective effect. Since the total vote for the proposed amendment was not a majority of all the votes cast at the 1926 general election, the amendment was not ratified and did not become a part of the Constitution.

ARTICLE 3.

1. This is the separation of powers section of the Constitution, tested in many courts. The three departments of government are equal, coordinate and independent. *Lafayette R.R. v. Geiger*, 34 Ind. 185. One department of the governor can not inquire into the motives controlling another department. *Wright v. Defrees*, 8 Ind. 298; *McCulloch v. State*, 11 Ind. 424. The legislature alone has power to make, sanction, suspend or give effect to laws. *Maize v. State*, 4 Ind. 342. The construction of statutes is a judicial power and can not be exercised by the legislature. *Guckien v. Rothrock*, 137 Ind. 355. The governor can not be compelled by mandate to perform an official duty. *Hovey v. State*, 127 Ind. 588.

The respective powers granted and restrictions imposed upon officers within the legislative, the executive including the administrative, and the judicial departments are discussed at great length in *Tucker v. State*, 218 Ind. 614. This section relates solely to the state government and state officers and their duties under one of the separate departments of state. *State ex rel. Buttz v. Marion Circuit Court*, 225 Ind. 7.

ARTICLE 4.

1. The legislative authority of the General Assembly is supreme and sovereign, subject only to the restraints imposed thereon by the State and Federal Constitutions and laws and treaties passed and made in pursuance thereof. *Lafayette R.R. Co. v. Geiger*, 34 Ind. 185; *Hanley v. Sims*, 175 Ind. 345; *Carr v. State*, 175 Ind. 241. Laws must be enacted by bill and the style must be: "Be it enacted by the General Assembly

of the State of Indiana." Money can not be appropriated from the state treasury by a joint resolution, but the legislative will may in some cases be expressed by a joint resolution. *May v. Rice*, 91 Ind. 546; *State v. Bailey*, 16 Ind. 46.

2. Since 1851 the number of senators has been fixed at 50 and the number of representatives at 100. An amendment was proposed by the 1982 General Assembly and agreed to by the 1984 General Assembly (House Joint Resolution 1) to eliminate the requirement that senatorial districts not lie in more than one county. It deleted the words "counties or" from the phrase "electors of the respective counties or districts." It also deleted the same words from Section 7, and repealed Section 6 in its entirety. The amendment was approved by the electorate in November, 1894, by a vote of 822,172 to 359,696.

3. Before its amendment in 1984 (H.J.R. 3), this section read: "Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election; Provided, however, That the Senators-elect, at the second meeting of the General Assembly after this Constitution, shall be divided by lot into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be annexed, by lot, to one or other of the two classes, as to keep them as nearly equal as practicable."

4. As adopted in 1851, Section 4 read: "The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years." An amendment ratified in 1984 (H.J.R. 3) provided the present wording.

An amendment to delete the word "white" from Sections 4 and 5 was proposed by the General Assembly of 1877, re-adopted by the General Assembly of 1879, and voted on in the election of April 5, 1880. The total number of votes cast was 380,771. Votes in favor of the amendment numbered 176,320; against, 136,279. In *State v. Swift*, 69 Ind. 505, decided at the May term, 1880, the Supreme Court held that the amendment had not been adopted because it had not received a majority of the votes cast at the election. Accordingly, the amendment was resubmitted to the voters at the special election held on March 14, 1881. Out of 172,900 votes cast at the election, 125,170 votes were in favor of the amendment vs. 42,162 against it. On March 24, 1881, Governor Albert G. Porter issued his proclamation declaring the amendment in force.

The last enumeration of voters was made in 1931 and disclosed that there were 865,001 white male voters and 25,892 colored male voters in the state. On the basis of the enumeration so made, the state should have been reapportioned by the Legislature of 1933.

It is the duty of the courts to decide whether an apportionment act complies with the requirements of the Constitution. The legislature can enact only one apportionment law under each enumeration, but if the law is held invalid, a valid apportionment law may be enacted. *Parker v. State*, 133 Ind. 178; *Denny v. State*, 144 Ind. 503.

5. This section has been amended twice. An amendment adopted in 1984 (H.J.R. 3) provided the present wording. Earlier, the amendment described in the footnote previous to this one eliminated the word "white".

As originally adopted in 1851, the section read: "The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of white male inhabitants, above twenty-one years of age, in each; Provided, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution."

6. Before being repealed in 1984 (see footnote No. 2), this section read: "A Senatorial or Representative District, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for Senatorial apportionment, shall ever be divided."

7. A 1984 amendment (see footnote No. 2) deleted the words "county or" preceding the word "district".

8. This section and Section 29 were amended in 1970 by approval of a majority of the voters voting on the amendment in the general election

Nov. 3. The vote was 536,294 in favor of the amendment and 408,158 against it. Prior to the amendment, the biennial regular sessions of the General Assembly began in early January of odd-numbered years and continued for no more than 61 calendar days. The amendment empowered the General Assembly to prescribe by law the length and frequency of its sessions.

A 1971 statute, amended in 1973, provides for annual sessions, each to be initiated by a brief organizational meeting in mid-November. Daily meetings begin in early January; they extend for a maximum of 61 session days in odd-numbered and 30 session days in even-numbered years. Passage of this legislation made unnecessary the provisions of the schedule, printed below, which accompanied the amendment.

SCHEDULE. If at the time these amendments become effective, the General Assembly has not fixed the length of time in days of the legislative session by law, any regular session of the General Assembly held thereafter and until the length and frequency of such sessions are fixed by law shall begin from the date specified in Section 9 of Article 4 of this Constitution and shall continue for not more than sixty-one (61) session days. A session day is defined as any day in which either House of the General Assembly convenes. The Speaker of the House acting jointly with the President of the Senate, or if there is no President, the President Pro Tem. of the Senate, jointly may recess or adjourn a session for a period of time not to exceed twenty-one (21) days, during which time various standing committees of both Houses may meet at the call of the respective committee chairman. No regular legislative session of the General Assembly may extend beyond the 30th day of April of the year in which it is convened.

9. A quorum of the House is 67 members and a quorum of the Senate is 34 members.

10. All tax bills originate in the House. The term "for raising revenue" is not confined to bills to levy taxes in the strict sense of the word and does not apply for other purposes which may incidentally create revenue. *Stith Petroleum Co. v. Dept. of Audit and Control*, 211 Ind. 400.

11. A 1984 amendment (H.J.R. 3), substituted the word "title" for "sections" in two places, and substituted the word "pending" for "depending".

As to passage, if a law is signed by the presiding officers of the two houses, the courts will not inquire whether it was properly passed. *Evans v. Browne*, 30 Ind. 514; *Bender v. State*, 53 Ind. 254; *Western Union Co. v. Taggart*, 141 Ind. 281.

12. The present language of this section is the result of an amendment approved by the electorate at the general election on Nov. 5, 1974 (the vote was 588,881 for and 201,392 against).

As adopted in 1851, Sec. 19 provided that: "Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." This original provision gave rise to a great deal of litigation over its exact meaning. The resulting court decisions made it seem obligatory to expand the titles of acts to unwieldy lengths simply to avoid challenges to their constitutionality. Therefore a new and longer provision was submitted to the voters at the general election on Nov. 8, 1960, when 341,709 votes were cast in favor of the amendment and 109,489 votes against it. The new provision read as follows:

"Sec. 19. Every act, amendatory act or amendment of a code shall embrace but one subject and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, amendatory act or amendment of a code, which shall not be expressed in the title, such act, amendatory act or amendment of a code shall be void only as to so much thereof as shall not be expressed in the title. The requirements of this paragraph shall not apply to original enactments of codification of laws."

"Every amendatory act and every amendment of a code shall identify the original act or code, as last amended, and the sections or subsections amended shall be set forth and published at full length."

"The identification required by this paragraph may be made by citation reference. The retroactive effect of this amendment and repeal (Sec. 21) is limited to uphold validity of acts not heretofore declared invalid pursuant to final judgment."

This provision appeared to be serviceable until the General Assembly

enacted the Indiana Code of 1971. This enactment was challenged in a lawsuit and the Indiana Supreme Court eventually decided that the Indiana code of 1971 was not a code within the meaning of Article 4, Section 19, of the constitution as amended in 1960. As a result, the current language was proposed to make it possible to codify (consolidate and make more comprehensible) the laws of Indiana, and the proposal became a part of the constitution.

13. As adopted in 1851, this section read: "No act shall ever be revised or amended by mere reference to its title; but the act revised or sections amended, shall be set forth and published at full length." (The repeal of Section 21 was ratified as part of the present amendment of Section 19 and the ratification vote is given in footnote No. 10.)

14. As adopted in 1851, this section prohibited the passage of local and special laws in relation to fees and salaries. It has been amended twice; the most recent amendment is described in footnote No. 15. As amended in 1881, it provided that the salaries of public officials may be graded according to population and the necessary services required. The amendment was proposed by the General Assembly 1877, re-adopted by the General Assembly 1879, and voted on at the township election of April 5, 1880. The total number of votes cast at the township election was 380,771; the total number of votes cast in favor of the amendment was 181,887, and the total number of votes cast against the amendment was 136,177. In *State v. Swift*, 69 Ind. 505, decided at the May term, 1880, the Supreme Court held that the amendment had not been adopted because it had not received a majority of the votes cast at the election. Accordingly, the amendment was re-submitted to the voters at a special election held on March 14, 1881. There were 172,900 votes cast at the election and 128,731 votes were cast in favor of the amendment and 38,345 votes were cast against it. On March 24, 1881, Governor Albert G. Porter issued his proclamation declaring the amendment in force.

Acts creating inferior courts are not invalid as being local or special. *Woods v. McCay*, 144 Ind. 315; *Dearbeyne v. Greenwald*, 186 Ind. 321; *Stocking v. State*, 7 Ind. 326; *Eitel v. State*, 33 Ind. 201.

Acts may be passed providing for the classification of cities if they are so worded that any city on attaining the requisite population will come under law. *Bumb v. City of Evansville*, 168 Ind. 272.

15. A 1984 amendment (H.J.R. 3), as it concerned Section 22, after the word "laws" in the first sentence deleted the following: "in any of the following enumerated cases, that is to say: Regulating the jurisdiction and duties of Justices of the Peace and of Constables; Providing". It also added the word "Providing" before "For laying out" and before "For the assessment", and changed "In relation to" to "Relating to" before "fees or salaries" and before "interest on money".

16. Under the former decisions of the Supreme Court, it was held that the legislature alone has the authority to determine whether a law can be made general or whether a local law is necessary. *Gentile v. State*, 29 Ind. 409; *Wiley v. Bluffton*, 111 Ind. 152; *State v. Kolsem*, 130 Ind. 434; *Smith v. Indpls. St. Ry. Co.*, 158 Ind. 425; *School City of Marion v. Forrest*, 168 Ind. 94; *Crist v. Molony*, 187 Ind. 614. More recently, however, the Supreme Court has held that the question whether a general law can be made applicable is subject to judicial review. *Hekler v. Conter*, 206 Ind. 376.

17. A 1984 amendment (H.J.R. 3) deleted the phrase "as to all liabilities originating after the adoption of this Constitution," following the words "suit against the State".

Concerning legal actions relating to this section, suits against the state are authorized by the act of 1889 and are brought in the Superior Court of Marion County and the issue is tried by all the judges sitting together without a jury.

18. It requires 51 votes in the House and 26 votes in the Senate to pass a bill. The Speaker of the House signs a bill first, the President of the Senate second, and the Governor last.

19. Acts which have an emergency clause become effective as soon as they are signed by the Governor. Acts which do not contain an emergency clause become effective when they are distributed to every county in the state and when the Governor has issued his proclamation. *Mark v. State*, 15 Ind. 98; *Cain v. Goda*, 84 Ind. 209; *Jones v. Cavins*, 4 Ind. 305; *State v. Indiana Board*, 155 Ind. 414; *Sudbury v. Board*, 157 Ind. 466; *State v. Williams*, 173 Ind. 414.

20. As originally adopted, this section ended with the statement, "No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special

session beyond the term of forty days." The deletion of this sentence from Section 29 was ratified in 1970 as part of the amendment which gave the General Assembly the power to prescribe by law the length and frequency of its sessions, and for which the ratification vote is given in footnote No. 6.

ARTICLE 5.

1. Before adoption of the amendment changing the section to its present form, the second statement read: "He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years." This amendment was approved by the voters on Nov. 7, 1972. The vote was 633,577 in favor of the amendment and 497,458 against it.

2. The present language of Section 4 and 5 is the result of an amendment approved by the voters on Nov. 5, 1974. The vote was 488,768 in favor of the amendment and 380,092 against it. Before adoption of the amendment changing these sections to their present form, these sections read as follows:

"Sec. 4. In voting for Governor and Lieutenant Governor, the electors shall designate, for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly."

"Sec. 5. The persons, respectively, having the highest number of votes for Governor and Lieutenant Governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant Governor, as the case may be."

Before the 1974 change, it was possible for the voters to elect a governor of one political party and a lieutenant governor of another party. Now the candidates for those two offices run as a team, just as the candidates for president and vice president run as a team.

3. The present language of Section 10 is the result of an amendment approved by the voters on Nov. 7, 1978. The vote was 700,801 in favor of the amendment and 143,650 against it. Prior to the change, Section 10 read as follows:

"Sec. 10. In case of the removal of the Governor from office or of his death, resignation, or inability to discharge the duties of his office, the same shall devolve on the Lieutenant Governor; and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer shall then act as Governor; and such officer shall act accordingly, until the disability be removed or a Governor be elected."

4. A 1984 amendment (H.J.R. 3), substituted the word "armed" for "military and naval".

5. This is known as the Governor's message. The regular message is read to the two houses of the General Assembly, convened in joint session, shortly after the convening of any regular or special session, but special messages may be submitted at any time. A 1984 amendment (H.J.R. 3) substituted the words "The Governor" for the beginning "He".

6. The present language of this section is that of an amendment approved by the voters on Nov. 7, 1972. The vote was 805,714 in favor of the amendment and 336,441 against it. The effect of the amendment was to clarify veto procedure and give the governor a longer period in which to consider a bill while eliminating the "pocket veto" (an action so called in which the governor declined to accept a bill during the last two days of a session and thereby prevented it from becoming law).

Prior to amendment, the section read: "Sec. 14. Every bill which shall have passed the General Assembly, shall be presented to the Governor; if he approves, he shall sign it; but if not, he shall return it, with his objections, to the House in which it shall have originated; which House shall enter the objections, at large, upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered; and, if approved by a majority

of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law, without his signature, unless the general adjournment shall prevent its return; in which case it shall be a law, unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of Secretary of State; who shall lay the same before the General Assembly at its next session, in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly."

7. A 1984 amendment (H.J.R. 3) replaced the beginning "He" with "The Governor".

8. A 1984 amendment (H.J.R. 3) substituted "The Governor may" for the beginning "He shall have the power to", and in the second sentence substituted "the Governor may" for "he shall have power to", and "has been" for "shall be". Additional substitutions (in order): "The Governor may" for "He shall have power to"; "provided" for "prescribed"; "were" for "shall have been"; "may" for "shall"; "those" for "such as may, by law, be". Deletions (in order): "that" following "provided, however,"; "have power to" preceding "grant pardons". Addition: "by law" as the final two words.

Concerning this section, the Governor has exclusive power, under rules prescribed by law, to grant reprieves, commutations and pardons, and to remit fines and forfeitures. *Butler v. State*, 97 Ind. 373. The power given to certain officers under the indeterminate sentence law to shorten the time of service of prisoners is not an exercise of the pardoning power. *Miller v. State*, 149 Ind. 607. Conditional pardons or paroles may be granted and the prisoner may be recommitted for a violation of the condition. *Woodward v. Murdock*, 124 Ind. 439.

9. Section 19 concerning filling of vacancies was repealed by a 1984 amendment (H.J.R. 3, 1983) and its language became the wording of Section 4, Article 4. The language was created by an amendment ratified November 7, 1972 (the vote was 805,714 in favor and 336,441 in opposition), after which the General Assembly enacted a law allowing precinct committeemen from the same district and political party as the person who held the vacated seat to select another person by majority vote. The section originally read: "He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly." This meant that a vacancy in the General Assembly could be filled only if the Governor called a special session to do so.

10. A 1984 amendment (H.J.R. 3) changed "he" to "the Governor."

11. See "State Executive and Administrative" section for current remuneration of the Governor.

12. See "State Administrative Officials" section for current remuneration of the Lieutenant Governor.

ARTICLE 6.

1. This section was amended in 1970 by approval of a majority of the voters voting on the provision in the general election on November 3. (The vote was 598,813 in favor of the amendment and 335,740 against it.) The amendment extended the elective terms of the secretary of state, the auditor of state and the treasurer of state from two to four years, the same period for which the governor, lieutenant governor and attorney general are elected.

2. A 1984 amendment (H.J.R. 3) substituted after the first reference to "Surveyor" the phrase "who shall severally hold their offices for" instead of "the Clerk, Auditor, Recorder, Treasurer, Coroner and Surveyor shall continue in office for"; inserted the word "Sheriff" after the following reference to "Treasurer"; and deleted the final sentence, which read: "Provided, That the Treasurer of each county re-elected at the general election in 1952 shall continue in office until January 1, 1957, and shall not be eligible for re-election to the office of County Treasurer at the general election in 1956."

Concerning court tests, the legislature can neither lengthen nor shorten the term of an office that is fixed by the Constitution. *Howard v. State*, 10 Ind. 99. Persons elected to fill vacancies in the office of clerk of the circuit court hold their offices for four years. *Governor v. Nelson*, 6 Ind. 496. When the term of a county officer is fixed by the Constitution, his successor must be elected at the general election held next before the date of the expiration of his term. *Russell v. State*, 171 Ind. 623.

The sheriff's term has been lengthened to four years. (See Section 11, approved at the general election Nov. 2, 1948.) As Section 2 was adopted in 1851, the county treasurer, sheriff, coroner and surveyor were elected to two-year terms.

An amendment to this section was approved by two sessions of the General Assembly but failed of adoption when submitted to the voters at the general election on Nov. 7, 1972. There were 753,357 votes against it and 400,446 in favor. The amendment, if approved, would have permitted county officers to serve an unlimited number of terms and the coroner would no longer have been a constitutional officer but would have been subject to regulation by law.

3. The legislature may change the time of electing township officers and thereby extend the term of such officers beyond the time for which they were elected. *State v. Menaugh*, 151 Ind. 260. The legislature has authority to create county and township offices and to fix the qualifications of the holders. *State v. Goldbait*, 172 Ind. 210. It may be provided by law that offices created by the legislature may be filled by appointment. *State v. Hall*, 173 Ind. 145.

4. By 1984 amendment (H.J.R. 3), this section was substantially shortened. The original language: "No person shall be elected, or appointed as a county officer, who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof, during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties, out of which the same shall have been taken."

5. Each member of a city board of works and safety holds an "office" as that word is contemplated by this section and, by virtue of this provision, the members of the board must reside within the city while in office. *City of Marion v. Antrobus*, 448 N.E. 2d 325.

6. A prosecuting attorney is neither a state nor a county officer and therefore can not be removed under Secs. 7 and 8 but may be removed under Sec. 13 of Art. 7.

7. Section 11 was not a part of the Constitution, as originally adopted. It was submitted to the voters at the general election held on November 2, 1948. The total number of votes cast at the general election of 1948 was 1,600,904; the total number of votes cast in favor of the amendment was 283,533; and the total number of votes against the amendment was 151,638. By virtue of the decision of the Supreme Court in the cases of *In re Todd*, 208 Ind. 168 and *Swank v. Tyndall*, 266 Ind. 204, this amendment was declared in force and remained so until being repealed by a 1984 amendment. It read as follows:

"Notwithstanding any other provision hereof, the Sheriff of each county shall be elected in the general election held in the year 1950 and each four years thereafter. The term of office of each such sheriff shall be four years beginning upon the first day of January next following his election and no person shall be eligible to such office more than eight years in any period of twelve years: Provided, however, That any elected sheriff who shall hold said office on December 31, 1950, and who shall have been elected to said office for a period of less than two consecutive years immediately preceding, shall continue in said office for the four year term commencing January 1, 1951."

ARTICLE 7.

1. Indiana's electorate ratified a new Judicial Article (Article 7) for the state constitution at the general election on November 3, 1970, by a vote of 527,978 to 386,655. The amendment, effective January 1, 1972 provides for appointment, rather than election, of the judges of the Supreme Court and the Court of Appeals, formerly the Appellate Court. Appointments are made by the governor without regard to political affiliation from a list of three nominees submitted by a Judicial Nominating Commission. The appointees serve for two years and then, subject to approval or rejection by vote of the electorate, continue to serve for terms of 10 years. Reference to the office of justice of the peace is deleted by the amendment, making that office subject to regulation by the General Assembly.

The entire text of the superseded Article 7 is available at the end of the Footnote Section, in keeping with the Indiana State Chamber's desire to preserve all historic elements of this document.

2. As adopted in 1851, the word "inferior" was used instead of the word "other" where it now occurs in this section. The amendment to this section was submitted to the voters at a special election held on March 14, 1881. There were 172,900 votes cast at the election, and 116,570 votes were cast in favor of the amendment and 41,434 votes were cast against it. On March 24, 1881, Governor Albert G. Porter issued his proclamation declaring the amendment in force.

3. Supreme Court rules governing qualifications for admission and practice of law take precedence over legislative enactments that conflict with them. *Western Parks v. Bartholomew County Court*, 383 N.E. 2d 290.

4. The decisions of the Supreme Court are published in volumes known as the "Indiana Reports." Prior to the adoption of the present Constitution, the Supreme Court reports were edited and published by Isaac Blackford, one of the judges of the Supreme Court.

5. The following listing shows the counties included in each of the three Court of Appeals districts:

First District — Bartholomew, Boone, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd, Fountain, Franklin, Gibson, Greene, Hancock, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington and Wayne.

Second District — Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells and White.

Third District — Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

Fourth District — Jurisdiction encompasses the entire state.

6. As adopted in 1851, the then-Section 9 of the Constitution provided: "The State shall, from time to time, be divided into judicial circuits; and a judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behaves well." A subsequent amendment requiring that the judge "shall have been duly admitted to practice law" was approved November 8, 1960 by a vote of 458,374 to 59,674.

7. Before being repealed by a 1984 amendment (H.J.R. 3), this section read as follows: "Judges of the Supreme and Appellate Courts holding office at the time this article is adopted shall continue in office as a judge of the appropriate court and district, as if appointed thereto, until the expiration of their elected or appointed term. At the general election immediately preceding expiration of their term, these judges shall have their names submitted to the voters under the provisions of Section II of Article 7."

8. As adopted in 1851, provision was made (in then-Section 11) that: "There shall be elected in each Judicial Circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for two years." A subsequent amendment extending the term of office to four years was approved November 4, 1952, by a vote of 267,052 to 163,662.

9. See "State Judiciary" section for current remuneration of Supreme Court justices and judges of the Court of Appeals.

10. Before being repealed by a 1984 amendment (H.J.R. 3), this section read as follows:

"All Superior, Criminal, Juvenile, Probate, Municipal, City and Magistrate courts in existence immediately prior to the taking effect of this amendment, and all laws relating to such courts or governing the organization, jurisdiction, or proceedings thereof which are in effect immediately prior to the taking effect of this amendment, shall remain in effect unless and until such courts are abolished or altered or such laws repealed or amended by an act of the General Assembly pursuant to this amendment."

"All Judges of Superior, Criminal, Juvenile, Probate, and Municipal courts holding office immediately prior to the taking effect of this amendment shall continue in office as Judges of such courts until the expiration of such term of office, and in no event shall any court be abolished prior to the expiration of term of office for which the Judge thereof was elected or appointed prior to the taking effect of this amendment."

11. As adopted in 1851, this section read as follows: "Every person of good moral character, being a voter, shall be entitled to admission to

practice law in all courts of justice." The following amendment to this section was proposed by the General Assembly of 1897 and re-adopted by the General Assembly of 1899: "The General Assembly shall by law prescribe what qualifications shall be necessary for admission to practice law in all courts of justice." This proposed amendment was submitted to the voters at the general election held on November 6, 1900. The total number of votes cast at the general election in 1900 was 664,094; the total number of votes cast in favor of the amendment was 240,031, and the total number of votes cast against the amendment was 144,072. In 1901 in the case known as *In re Denny*, 156 Ind. 104, the Supreme Court held that the proposed amendment had not been ratified because it did not receive the affirmative vote of a majority of all the voters who voted at the general election held on November 6, 1900. The General Assembly of 1903 proposed and the General Assembly of 1905 re-adopted the same amendment which had been defeated at the general election of November 6, 1900. This proposed amendment was submitted to the voters at the general election held on November 6, 1906. The total number of votes cast at the general election of 1906 was 589,044; the number of votes cast in favor of the amendment was 39,061, and the number of votes cast against the amendment was 12,128. The General Assembly of 1907 proposed and the General Assembly of 1909 re-adopted the same amendment which had been defeated at the general election of November 6, 1900, and the general election held on November 6, 1906. This proposed amendment was submitted to the voters at the general election held on November 8, 1910. The total number of votes cast at the general election of 1910 was 627,133; the number of votes cast against the amendment was 60,357; and the total number of votes cast against the amendment was 18,494. In 1912 in the case known as *In re Boswell*, 179 Ind. 292, the Supreme Court held that the proposed amendment had been rejected because it did not receive the affirmative votes of a majority of all of the voters who voted at the general election held on November 8, 1910. The following amendment to this section was proposed by the General Assembly of 1927 and re-adopted by the General Assembly of 1929: "That the Constitution of the State of Indiana be amended by striking out all of Section 21 of Article VII." This proposed amendment was submitted to the voters at the general election held on November 8, 1932. The total number of votes cast at the general election of 1932 was 1,600,484; the total number of votes cast in favor of the amendment was 439,949, and the total number of votes cast in favor of the amendment was 236,613. In 1935 in the case known as *In re Todd*, 208 Ind. 168, the Supreme Court held that a proposed amendment to the Constitution is ratified if it receives the affirmative votes of a majority of the voters who vote on the proposed amendment even though the affirmative vote so cast is not a majority of the voters who voted at the election at which the amendment is submitted. Since the proposed amendment submitted at the general election of November 8, 1932, received a majority of the votes cast on the amendment, it was ratified.

ARTICLE 8.

1. The compulsory school law is not in violation of this section. *State v. Bailey*, 157 Ind. 324. Local school corporations have authority to levy a tax for the support of common schools. *Shepardson v. Gillette* 133 Ind. 125. The Indiana Constitution does not mandate that the legislature provide textbooks to pupils free of charge. *Chandler v. South Bend Community School Corp.*, 312 N.E. 2d 915.

2. This section was amended on Nov. 7, 1972 by a vote of 592,753 in favor of the amendment and 553,264 against it. Previously the section read: "The General Assembly shall provide for the election, by the voters of the state, of a State Superintendent of Public Instruction who shall hold his office for two years and whose duties and compensation shall be prescribed by law." The new amendment permits the General Assembly to establish the method of selection and tenure of this state official as well as his duties and compensation. The 1973 General Assembly enacted a law (Public Law 210) stipulating that there should be no election for superintendent of public instruction in 1974 and that the governor should appoint a person to serve in that office from March 15, 1975 until the second Monday in January, 1977. The 1974 General Assembly enacted a law stating that the office of state superintendent of

public instruction shall be elective for a four-year term, the first occupant under this law was named in the general election of 1976.

In the 1972 amendment, Section 8 of Article 8 was accompanied by the following schedule, which became obsolete and was repealed by a 1984 amendment (H.J.R. 3):

SCHEDULE. The tenure of both the incumbent and the Superintendent of Public Instruction-elect at the time this amendment is ratified by the electors of this state shall not be changed.

All laws not in conflict with this amendment shall remain in full force and effect until repealed or amended.

ARTICLE 9.

1. A 1984 amendment (H.J.R. 3) substituted "the deaf, the mute and the blind; and for the treatment of the insane" for "the Deaf and Dumb, and of the Blind; and also, for the treatment of the Insane."

2. A 1984 amendment (H.J.R. 3) changed "houses of refuge" to "institutions".

3. A 1984 amendment (H.J.R. 3) changed "The county boards shall have power to" to "The counties may".

ARTICLE 10.

1. Taxes must be uniform and equal throughout the unit in which they are levied. *Board v. State*, 155 Ind. 604. The law providing for the deduction of mortgage indebtedness is valid. *State v. Smith*, 158 Ind. 543.

2. This section was amended in 1966, by approval of a majority of electors voting on the amendment. This section previously was limited to the general language of the first paragraph of Sec. 1(a) and the following Item (1). Items (2) and (3) and Sec. 1(b) grant additional legislative authority.

3. County convention and tourism authority's use of hotel tax revenues to subsidize a mortgage for construction of a hotel adjacent to a city convention center was not a "loaning of credit." *Lartnec Inv. Co. v. Fort Wayne-Allen County*, 603 F. Supp. 1210.

4. Section 7 was not a part of the Constitution as originally adopted. It was proposed by the General Assembly of 1871, re-adopted by the General Assembly of 1872, convened in a special session, and was ratified at a special election held on February 18, 1873. There were 158,400 votes cast in favor of the amendment and 1,030 votes cast against it. On March 7, 1873, Governor Thomas A. Hendricks issued his proclamation declaring the amendment in force.

5. Section 8 was not a part of the Constitution as originally adopted. It was proposed by the General Assembly of 1923; re-adopted by the General Assembly of 1925, and was submitted to the voters at the general election held on November 2, 1926. The total number of votes cast at the general election of 1926 was 1,052,994; the total number of votes cast in favor of the amendment was 239,734, and the total number of votes cast against the amendment was 212,224. The General Assembly of 1927 proposed and the General Assembly of 1929 re-adopted the same amendment which had been voted upon at the general election of 1926. This proposed amendment was submitted to the voters at the general election held on November 8, 1932. The total number of votes cast at the general election of 1932 was 1,600,484; the total number of votes cast in favor of the amendment was 701,045 and the total number of votes cast against the amendment was 209,076. By virtue of the ruling in the case of *In re Todd*, 208 Ind. 168, and the decision of the court rendered on April 7, 1948, in the case of *Swank et al. v. Tyndall et al.*, 226 Ind. 204, this amendment is in force.

ARTICLE 11.

1. As adopted in 1851, this section read as follows: "The stockholders in every bank or banking company shall be individually responsible, to an amount, over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company." The following amendment to this section was proposed by the General Assembly of 1939: "That the Constitution of the State of Indiana be

amended by striking out Sec. 6 of Article 11." This proposed amendment was submitted to the voters at the general election on November 5, 1940. Pursuant to Chapter 59, page 404 of the Acts of 1939, the secretary of state certified to the governor the vote of this amendment: Yeas, 355,578; Nays, 267,589. There were 1,729,409 votes cast at the election. Pursuant to said act, Governor M. Clifford Townsend issued his proclamation on November 22, 1940. In 1935, in the case known as *In re Todd*, 208 Ind. 168, the Supreme Court held that a proposed amendment to the Constitution is ratified if it receives the affirmative votes of a majority of the voters who vote on the proposed amendment.

2. As adopted in 1851, this section read as follows: "Every bank or banking company, shall be required to cease all banking operations, within twenty years from the time of its organization, and promptly thereafter to close its business." The following amendment to this section was proposed by the General Assembly of 1937 and re-adopted by the General Assembly of 1939: "That the Constitution of the State of Indiana be amended by striking out Sec. 10 of Article 11." This proposed amendment was submitted to the voters at the general election held on November 5, 1940. Pursuant to Chapter 59, page 404 of the Acts of 1939, the secretary of state certified to the governor the vote on this amendment: Yeas, 325,280; Nays, 242,846. There were 1,729,409 votes cast at the election. Pursuant to said act, Governor M. Clifford Townsend issued his proclamation on November 22, 1940. Under the decision of the Supreme Court in the case of *In re Todd*, 208 Ind. 168, this amendment, having received a majority of the votes cast on the amendment, was ratified.

3. A 1984 amendment after the word "bank" deleted the phrase "after the expiration of the present bank charter;" and preceding the word "become" it deleted the word "hereafter". The portion of this section that prohibits the state from being a stockholder in the corporation was to prevent the state from ever again being a partner in speculation. Also, this section does not prevent the state from depositing public funds in savings associations. *Northern Ind. Bank & Trust Co. v. State Bd. of Fin.* 457 N.E. 2d 527. The last clause bars investment of Public Employee Retirement Fund assets in common stocks or other equity securities in light of the fact that . . . the state could suffer a loss if the value of such stocks fell. *Board of Trustees v. Pearson*, 459 N.E. 2d 715.

4. This section applies to municipal corporations. *Town of Longview v. City of Crawfordsville*, 164 Ind. 117.

5. As adopted in 1851, the section read as follows: "Dues from corporations, other than banking, shall be secured by such individual liability of the corporators, or other means, as may be prescribed by law." The present amendment was proposed by the General Assembly of 1937, re-adopted by the General Assembly of 1939, and voted on at the general election held on November 5, 1940. The total number of votes cast in favor of the amendment was 344,262 and the total number of votes cast against the amendment was 229,370. There were 1,729,409 votes cast at the election. Under the decision of the Supreme Court in the case of *In re Todd*, 208 Ind. 168, this amendment, having received a majority of the votes cast on the amendment, was ratified. On November 22, 1940, Governor M. Clifford Townsend issued his proclamation pursuant to Chapter 59, page 404 of the Acts of 1939.

ARTICLE 12.

1. The present language of Article 12 is the result of an amendment proposed by the General Assembly in 1972, readopted by the General Assembly of 1973, and voted on at the general election on Nov. 5, 1974. There were 420,752 votes cast in favor of the amendment and 413,442 were cast against it.

Prior to this amendment, Article 12 read as follows:

"Section 1. The militia shall consist of all able-bodied male persons, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State, and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law."

"Sec. 2. The Governor shall appoint the Adjutant, Quartermaster and Commissary Generals."

"Sec. 3. All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years."

"Sec. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions, and companies, and fix the rank of all staff officers."

"Sec. 5. The militia may be divided into classes of sedentary and active militia, in such manner as may be prescribed by law."

"Sec. 6. No person, conscientiously opposed to bearing arms, shall be compelled to do militia duty; but such person shall pay an equivalent for exemption; and the amount be prescribed by laws."

The language of Article 12 which was replaced by the present amendment had undergone only one change from that adopted in 1851. As originally adopted in 1851, the word "white" occurred before the word "male," thus restricting compulsory service in the National Guard to white male persons. The amendment which eliminated the word "white" was proposed by the General Assembly of 1933, re-adopted by the General Assembly of 1935, and was voted on at the general election of Nov. 3, 1936. The vote was 426,031 in favor of the amendment and 398,201 against it.

ARTICLE 13.

1. The original Article XIII as adopted in 1851 was stricken out and the present article inserted in 1881. The original article was as follows:

"Section 1. No Negro or mulatto shall come into or settle in, the State, after the adoption of this Constitution."

"Sec. 2. All contracts made with any Negro or mulatto coming into the State contrary to the provisions of the foregoing section, shall be void; and any person who shall employ such Negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars."

"Sec. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such Negroes and mulattoes and their descendants, as may be in the State at the adoption of this Constitution, and may be willing to emigrate."

"Sec. 4. The General Assembly shall pass laws to carry out the provisions of this article."

The present amendment was submitted to the voters at a special election held on March 14, 1881. There were 172,900 votes cast at the election, 126,221 votes were cast in favor of the amendment and 36,345 votes were cast against it. On March 24, 1881, Governor Albert G. Porter issued his proclamation declaring the amendment in force.

2. Indebtedness created by the improvement or repair of streets does not come within this article. *Quill v. Indianapolis*, 124 Ind. 292; *New Albany v. McCulloch*, 127 Ind. 500; *Cason v. City of Lebanon*, 153 Ind. 567. Bonds issued for the improvement of highways are not debts of the county or township. *Smith v. Board*, 173 Ind. 364. This article applies to bonds issued by cities and towns to build school houses. *Town of Winamac v. Huddleston*, 132 Ind. 217; *Wilcoxon v. City of Bluffton*, 153 Ind. 267. The debt of the school city is not considered as a part of the corresponding civil city. *Heine v. City of Terre Haute*, 161 Ind. 44; *Campbell v. City of Indianapolis*, 155 Ind. 186. The issuance of gravel road bonds is not governed by this section limiting indebtedness. *Brown v. Guthrie*, 185 Ind. 669.

3. There may be more than one governmental unit in identical territory and in proper cases the debt limitation imposed by this section applies separately to the indebtedness of each unit and not to the indebtedness in the aggregate of two or more units. The courts will look through form to substance, however, to make certain the additional unit was not created for the purpose of evading the intent of the Constitution. *Rappaport v. Dept. of Public Health*, 227 Ind. 508; *Dept. of Pub. Sanitation v. Sloan*, 229 Ind. 228.

ARTICLE 14.

1. The boundaries of Indiana were not fixed by the adoption of the state Constitution, but by Congress and their recital in the Constitution is merely a memorandum thereof. *Watts v. Evansville, etc. R. Co.* 123 N.E. 709. Low-water mark on the north side of the Ohio River is the southern boundary of the state. *Welsh v. State*, 126 Ind. 71.

ARTICLE 15.

1. The legislature can not appoint officers. *State v. Hyde*, 121 Ind. 20; *State v. Peele*, 121 Ind. 495; *State v. Gorby*, 122 Ind. 17.

2. The 1923 General Assembly proposed the following amendments of this section: "When the duration of any office is not provided for by this Constitution it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four (4) years, nor shall the term of office or salary of any officer fixed by this Constitution or by law be increased during the term for which such officer was elected or appointed." This amendment was re-adopted by the 1925 General Assembly and was submitted to the voters at the general election on November 2, 1926. The total number of votes cast in favor of the amendment was 182,456; the total number of votes cast against the amendment was 177,748; and the total number of votes cast at the general election of 1926 was 1,052,994. In the case of *Swank et al. v. Tyndall et al.*, 226 Ind. 204, decided April 7, 1948, the Supreme Court held, in reference to this amendment, that the law as stated in the *Swift*, *Denny*, and *Boswell* cases supra, constituted the law with reference to the method of ascertaining the majority vote on proposed amendments up to the date of the general election of 1932; that the *Todd* case decision had no effect whatever on said proposed amendment and that said proposed amendment had been rejected by the voters at the 1926 general election.

This section does not apply where an office is created but no tenure is fixed, *Clem v. State*, 33 Ind. 418; nor does it prevent an officer from holding over until his successor is elected and qualified, *State v. Harrison*, 113 Ind. 434. The legislature may change the time for electing officers created by statute and thereby extend the terms of such officers beyond a period of four years, *Spencer v. Knight*, 177 Ind. 564.

3. This section was intended to proscribe the mischief occasioned by lotteries, not merely the lotteries, and the word "lottery" as used therein embraces all forms of gaming which, by reason of retainage, service charge or odds, precludes the participants in sustained play from winning while providing a reasonable expectancy of profit for the sponsors. *State v. Nixon*, 270 Ind. 192, 66 Ind. Dec. 545, 384 N.E. 2nd 152.

4. Outlot No. 147 is now Camp Sullivan, popularly known as Military Park, and is located in the City of Indianapolis.

ARTICLE 16.

1. Under the rulings of the Supreme Court made prior to 1935, a proposed amendment, to be adopted, must be ratified by a majority of the electors of the State voting at the election at which the amendment is submitted. If the amendment is submitted at a general election, it must receive a majority of the votes cast at the general election, and if submitted at a special election, it must receive a majority of the votes cast at the special election. *State v. Smith*, 69 Ind. 505; *In re Denny*, 156 Ind. 104; *In re Boswell*, 179 Ind. 292. In 1935, in the case known as *In re Todd*, 208 Ind. 168, the Supreme Court held that if a proposed amendment is submitted to the voters and if more votes are cast in favor of than in opposition to the amendment, the amendment is ratified even though the total vote cast in favor of the amendment is less than a majority of the number of votes cast at the election at which the amendment is voted on. If an amendment is submitted to the electors and does not receive a majority of the votes cast, it is rejected. *In re Boswell*, 179 Ind. 292. The legislature has no authority to draft a new constitution or amendments to an existing constitution and submit them to the voters at the next general election. *Ellingham v. Dye*, 178 Ind. 336.

The requirement that amendments to the Indiana Constitution must be passed by two sessions of the General Assembly and then approved by the electorate has been the chief obstacle keeping the vast majority of all such proposals from being adopted. Of several hundred amendments proposed since 1851, only 56 have ever become eligible for referendum by virtue of passage in two successive legislative sessions. And of the 56 thus passed, only 34 have won ratification by the voters of Indiana.

Nine of the 34 were ratified prior to 1932, the elective date of the decision of the Indiana Supreme Court (based on the *Todd* case) that a proposed amendment need receive only a majority of the votes actually

cast on the referendum question. The subjects of these nine amendments, their election dates and the vote tallies recorded are as follows:

—Denial of liability for state stock certificates (Art. 10, Sec. 7): Feb. 18, 1873 — for, 158,400; against, 1,030.

—Qualifications of electors (Art. 2, Sec. 2): March 14, 1881 — for, 123,736; against, 45,975.

—Repeal of prohibition against suffrage for Negroes and mulattoes (Art. 2, Sec. 5): March 14, 1881 — for, 124,952; against, 42,896.

—Date of general election (Art. 2, Sec. 14): March 14, 1881 — for, 128,038; against, 40,163.

—Periodical enumeration (Art. 4, Secs. 4 & 5): March 14, 1881 — for, 125,170; against, 42,162.

—Grading compensation of officials (Art. 4, Sec. 22): March 14, 1881 — for, 128,731; against, 38,345.

—Judicial power (Art. 7, Sec. 1): March 14, 1881 — for, 116,570; against, 41,434.

—Municipal debt limit (Art. 13): March 14, 1881 — for, 126,221; against, 36,435.

—Qualifications of electors (Art. 2, Sec. 2 — previously amended in 1881): Sept. 6, 1921 — for, 130,242; against, 80,574.

The remaining 25 amendments to be adopted were approved in referendums following the 1932 establishment of the *Todd* principle. Their subjects, election dates and vote tallies are as follows:

—Income tax (Art. 10, Sec. 8): Nov. 8, 1932 — for, 701,045; against, 209,076.

—Lawyers' qualifications (Art. 7, Sec. 21): Nov. 8, 1932 — for, 439,949; against, 236,613.

—State militia (Art. 12, Sec. 1): Nov. 3, 1936 — for, 426,031; against, 398,201.

—Stockholders' liability (Art. 11, Sec. 6): Nov. 5, 1940 — for, 355,578; against, 267,589.

—Limitation on banks (Art. 11, Sec. 10): Nov. 5, 1940 — for, 325,280; against, 242,846.

—Corporation dues (Art. 11, Sec. 14): Nov. 5, 1940 — for, 344,262; against, 229,370.

—Sheriffs' terms (Art. 6, Sec. 11): Nov. 2, 1948 — for, 283,533; against, 151,638.

—Term of office for county treasurer, coroner, and surveyor (Art. 6, Sec. 2): Nov. 4, 1952 — for, 289,673; against, 159,632.

—Term of prosecuting attorney (Art. 7, Sec. 11): Nov. 4, 1952 — for, 267,052; against, 163,662.

—Simplified bill titles (Art. 4, Secs. 19 & 21): Nov. 8, 1960 — for, 341,709; against, 109,489.

—Circuit Court judge qualifications (Art. 7, Sec. 9): Nov. 8, 1960 — for, 458,374; against, 59,674.

—Property tax exemption (Art. 10, Sec. 1): Nov. 10, 1966 — for, 598,049; against, 168,519.

—Constitutional amendment simplification (Art. 16, Sec. 2): Nov. 10, 1966 — for, 399,008; against, 290,359.

—Extensions of terms of secretary of state, treasurer of state and auditor of state (Art. 6, Sec. 1): Nov. 3, 1970 — for, 598,813; against, 335,740.

—Annual legislative sessions (Art. 4, Secs. 9 & 29): Nov. 3, 1970 — for, 536,294; against, 408,158.

—Judicial Article revision (Art. 7): Nov. 3, 1970 — for, 527,978; against, 386,655.

—Governor's term (Art. 5, Sec. 1): Nov. 7, 1972 — for, 683,577; against, 497,458.

—Governor's power of veto (Art. 5, Sec. 14): Nov. 7, 1972 — for, 805,714; against, 336,441.

—General Assembly vacancies (Art. 5, Sec. 19): Nov. 7, 1972 — for, 700,216; against, 435,143.

—Superintendent of Public Instruction selection and tenure (Art. 8, Sec. 8): Nov. 7, 1972 — for, 592,753; against, 553,264.

—Wording of legislative acts (Art. 4, Sec. 19): Nov. 5, 1974 — for, 588,881; against, 201,392.

—Election of governor, lieutenant governor (Art. 5, Secs. 4 & 5): Nov. 5, 1974 — for, 488,768; against, 380,092.

—State militia, new definition (Art. 12): Nov. 5, 1974 — for 420,752; against, 413,442.

—Voter residency requirements (Art. 2): Nov. 2, 1976 — for, 729,702; against, 202,438.

—Governor's succession (Art. 5, Sec. 10): Nov. 7, 1978 — for, 700,801; against, 143,650.

There have been 23 proposals which passed two legislative sessions but failed of ratification.

Prior to the Todd case, it was held that an amendment must receive an absolute majority of all the votes cast in an election to win ratification. Seven amendments failed because, even though they received more favorable votes than unfavorable votes, they did not win absolute majorities. Their subjects, election dates and vote tallies are as follows:

—Lawyers' qualifications, Nov. 6, 1900: For, 240,031; against, 144,072.
—Supreme Court membership, Nov. 6, 1900: For, 314,710; against, 178,960.

—Lawyers' qualifications, Nov. 6, 1906: For, 39,061; against, 12,128.

—Lawyers' qualifications, Nov. 8, 1910: For, 60,357; against, 18,494.

—Registration of voters, Nov. 2, 1926: For, 198,579; against, 184,684.

—Salaries and terms — increase, Nov. 2, 1926: For, 182,456; against, 177,748.

—Income tax, Nov. 2, 1926: For, 239,734; against, 212,224.

The remaining 16 of the 23 proposals which were not approved by the electorate failed, without exception, to win more favorable votes than unfavorable votes. Their subjects, election dates and vote tallies are as follows:

—Registration of voters, Sept. 6, 1921: For, 90,269; against, 110,333.

—Enumeration and apportionment, Sept. 6, 1921: For, 76,963; against, 117,890.

—Veto of appropriations, Sept. 6, 1921: For, 83,265; against, 101,790.

—State officials — terms, Sept. 6, 1921: For, 74,177; against, 113,300.

—County officers — terms, Sept. 6, 1921: For, 82,389; against, 115,139.

—Prosecuting attorneys — terms, Sept. 6, 1921: For, 76,587; against, 116,683.

—Lawyers' qualifications, Sept. 6, 1921: For, 78,431; against, 117,479.

—State Superintendent — appointment, Sept. 6, 1921: For, 46,023; against, 149,294.

—Taxation, Sept. 6, 1921: For, 31,786; against, 166,186.

—Income tax, Sept. 6, 1921: For, 39,005; against, 157,827.

—Militia, Sept. 6, 1921: For, 55,027; against, 142,909.

—Salaries — increase, Sept. 6, 1921: For, 80,191; against, 117,140.

—Apportionment, Nov. 2, 1926: For, 183,828; against, 189,928.

—County officers, unlimited terms, Nov. 7, 1972: For, 400,446; against, 753,357.

—Sheriffs, unlimited terms, Nov. 7, 1978: For, 328,607; against, 535,081.

—Investment of state retirement funds in securities, Nov. 4, 1986: For, 427,737; against, 426,344.

—Use of common school fund for any purpose, Nov. 4, 1986: For, 240,931; against, 625,846.

2. This section was amended by approval of a majority of electors voting on the amendment in the general election on Nov. 8, 1966 (the vote was 399,008 for and 290,359 against). The amendment removed from the Constitution the following language: "and while an amendment or amendments, which shall have been agreed upon by one General Assembly, shall be awaiting the action of succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed."

3. A schedule was appended to the Indiana Constitution of 1851 which became obsolete after its adoption and was repealed by a 1984 amendment (H.J.R. 3). It read as follows:

SCHEDULE. This constitution, if adopted, shall take effect on the first day of November, in the year one thousand eight hundred and fiftyone, and shall supersede the Constitution adopted in the year one thousand eight hundred and sixteen. That no inconvenience may arise from the change in government, it is hereby ordained as follows:

First. All laws now in force, and not inconsistent with this Constitution, shall remain in force, until they shall expire or be repealed.

Second. All indictments, prosecutions, suits, pleas, complaints, and other proceedings, pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as is now provided by law.

Third. All fines, penalties, and forfeitures, due or accruing to the State, or to any county therein, shall inure to the State, or to such

county, in the manner prescribed by law. All bonds executed to the State, or to any officer, in his official capacity, shall remain in force, and inure to the use of those concerned.

Fourth. All acts of incorporation for municipal purposes shall continue in force under this Constitution, until such time as the General Assembly shall, in its discretion, modify or repeal the same.

Fifth. The Governor, at the expiration of the present term, shall continue to act, until his successor shall have been sworn into office.

Sixth. There shall be a session of the General Assembly, commencing on the first Monday of December, in the year one thousand eight hundred and fifty-one.

Seventh. Senators now in office and holding over, under the existing Constitution, and such as may be elected at the next general election, and the Representatives then elected, shall continue in office until the first general election under this Constitution.

Eighth. The first general election under this Constitution, shall be held in the year one thousand eight hundred and fifty-two.

Ninth. The first election for Governor, Lieutenant Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorneys, Secretary, Auditor and Treasurer of State, and State Superintendent of Public Instruction, under this Constitution, shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect, shall continue in their respective offices, until their successors shall have been elected and qualified.

Tenth. Every person elected by popular vote, and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution (except as in this Constitution otherwise provided), shall continue in office, until the term for which such person has been, or may be, elected, shall expire: Provided, That no such person shall continue in office, after the taking effect of this Constitution, for a longer period than the term of such office in this Constitution prescribed.

Eleventh. On the taking effect of this Constitution, all officers thereby continued in office, shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this Constitution.

Twelfth. All vacancies that may occur in existing offices, prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

Thirteenth. At the time of submitting this Constitution to the electors, for their approval or disapproval, the article numbered thirteen, in relation to Negroes and mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and Colonization of Negroes and mulattoes," "Aye" or "No." And if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution; otherwise, it shall be void, and form no part thereof.

Fourteenth. No Article or Section of this Constitution shall be submitted as a distinct proposition, to a vote of the electors, otherwise than as herein provided.

Fifteenth. Whenever a portion of the citizens of the counties of Perry and Spencer, shall deem it expedient to form, of the contiguous territory of said counties, a new county, it shall be the duty of those interested in the organization of such new county, to lay off the same, by proper metes and bounds, of equal portions, as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties, at a general election, in such manner as shall be prescribed by law. And if a majority of all the votes given at said election, shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same, out of the territory thus designated.

Sixteenth. The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same; and the funds belonging to said town shall be applied, according to the intention of the grantor.

Done in Convention, at Indianapolis, the tenth day of February, in the year of our Lord one thousand eight hundred and fifty-one; and of the Independence of the United States, the seventy-fifth.

PREVIOUS ARTICLE 7. (Judicial)

Section 1. The judicial power of the state shall be vested in a Supreme Court, Circuit Courts and such other courts as the General Assembly may establish.

Sec. 2. The Supreme Court shall consist of not less than three, nor more than five judges; a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

Sec. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court; and such districts shall be formed of contiguous territory, as nearly equal in population, as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judges shall be elected by the electors of the State at large.

Sec. 4. The Supreme Court shall have jurisdiction, co-extensive with the limits of the state, in appeals and writs of error under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

Sec. 5. The Supreme Court shall, upon the decision of every case, give a statement of each question rising in the record of such case, and the decision of the Court thereon.

Sec. 6. The General Assembly shall provide, by law, for the speedy publication of the decisions of the Supreme Court, made under this Constitution; but no Judge shall be allowed to report such decision.

Sec. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

Sec. 8. The Circuit Court shall each consist of one judge and shall have such civil and criminal jurisdiction as may be prescribed by law.

Sec. 9. The State shall, from time to time, be divided into Judicial Circuits; and a judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit and shall have been duly admitted to practice of law by the Supreme Court of Indiana; he shall hold his office for a term of six years, if he so long behaves well.

Sec. 10. The General Assembly may provide, by law, that the judge of one circuit may hold the Courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any judge, from sickness or other cause, to hold the Courts in his circuit, provision may be made, by law, for holding such courts.

Sec. 11. There shall be elected in each judicial circuit by the voters thereof a prosecuting attorney who shall hold his office for four years, and whose term of office shall begin on the first day of January next succeeding his election. The election of prosecuting attorneys under this section shall be held at the time of holding the general election in the year 1954 and each four years thereafter: Provided, That any such office whose term is abridged by virtue of this section shall continue to serve until January 1, 1959.

Sec. 12. Any judge or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

Sec. 13. The judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

Sec. 14. A competent number of Justices of Peace shall be elected by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

Sec. 15. All judicial officers shall be conservators of the peace in the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

Sec. 16. No person elected to any judicial office, shall, during the term for which he shall have been elected, be eligible to any office of trust or profit, under the State, other than a judicial office.

Sec. 17. The General Assembly may modify, or abolish, the Grand Jury system.

Sec. 18. All criminal prosecutions shall be carried on, in the name, and by the authority, of the State; and the style of all process shall be: "The State of Indiana."

Sec. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of same may be conferred upon other Courts of Justice; but such tribunals or other Courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties, unless they voluntarily submit their matters of difference, and agree to abide the judgment of such tribunal or Court.

Sec. 20. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners, whose duty it shall be to revise, simplify, and abridge, the rules, practice, pleadings, and forms of the Courts of Justice. And they shall provide for abolishing the distinct forms of action at law, now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said Commissioners to reduce into a systematic code, the general statute law of the State; and said Commissioners shall report the result of their labors to the General Assembly, with such recommendation and suggestions, as to abridgement and amendment, as to said Commissioners may seem necessary to proper. Provisions shall be made, by law, for filling vacancies, regulating the tenure of office, and the compensation of said Commissioners.

Sec. 21. (Stricken out by constitutional amendment of 1932.)

The following schedule was adopted with the 1970 amendments to Article 7, and repealed by a 1984 amendment (H.J.R. 3). It reads as follows:

SCHEDULE. The Ninety-seventh General Assembly shall provide by law for the orderly change of the judicial department in compliance with and subject to the provisions of this amendment.

The report of the Judicial Study Commission and the comments to the article contained therein may be consulted by the Court of Justice to determine the underlying reasons, purposes and policies of this article and may be used as a guide in its construction and application.

The Governor shall appoint the first Chief Justice of Indiana from the members of the Supreme Court. The Chief Justice shall serve until such time as the nominating commission has made the appointment as provided in Section 3 of this article.

The effective date of this amendment shall be January 1, 1972.

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